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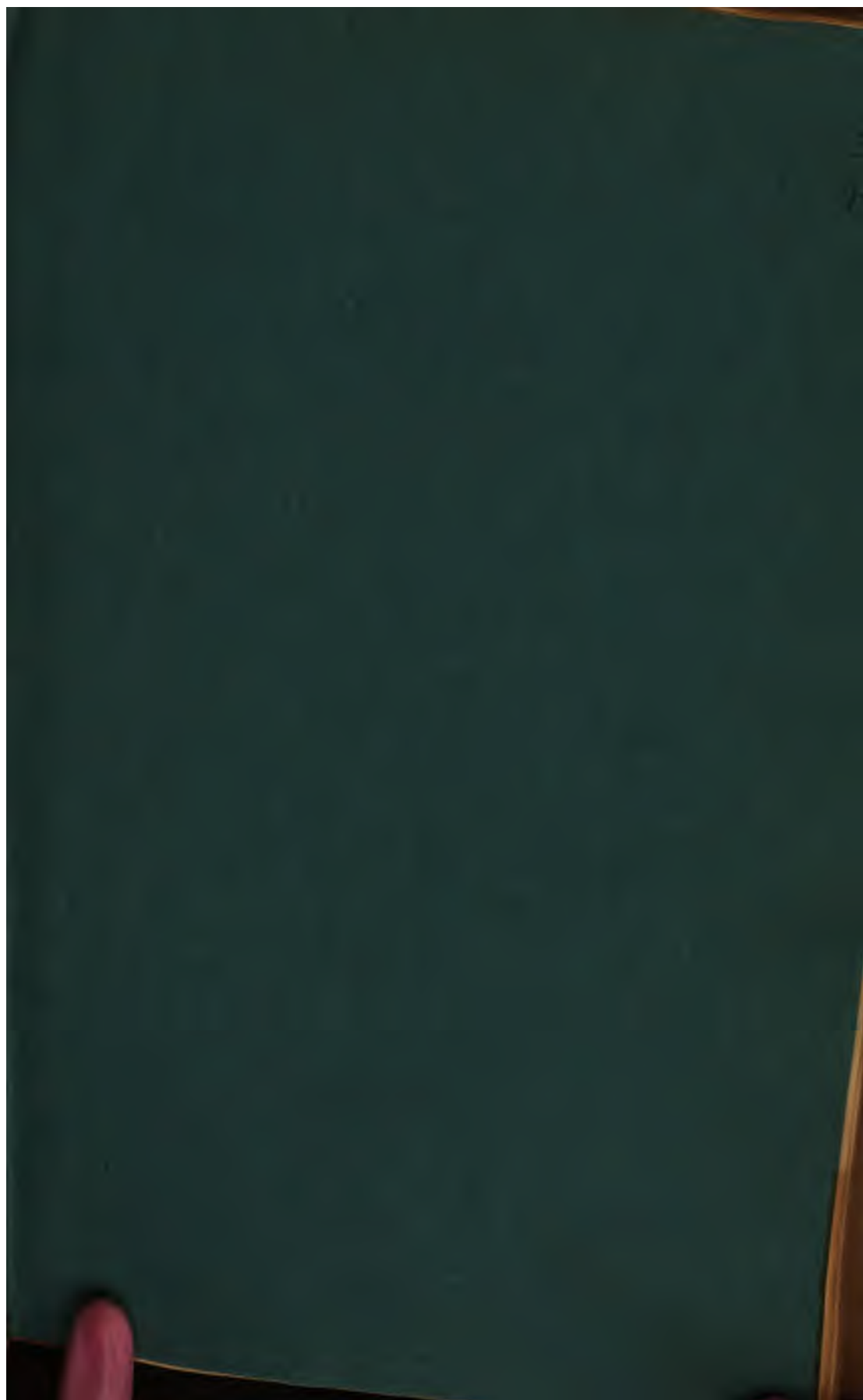
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HANSARD'S
PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

37° & 38° VICTORIÆ, 1874.

VOL. CCXX.

COMPRISING THE PERIOD FROM

THE SEVENTEENTH DAY OF JUNE 1874,

TO

THE FOURTEENTH DAY OF JULY 1874.

Third Volume of the Session.

LONDON:

PUBLISHED BY CORNELIUS BUCK,

AT THE OFFICE FOR "HANSARD'S PARLIAMENTARY DEBATES,"

23, PATERNOSTER ROW. [E.C.]

1874.

LONDON: CORNELIUS BUCK, 23, PATERNOSTER ROW, E.C.

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After short time spent therein, Bill reported, with Amendments; as amended, to be considered upon <i>Monday</i> next.	
Industrial and Reformatory Schools Bill —Ordered (<i>Mr. Secretary Cross</i> , Sir <i>Henry Selwin-Ibbetson</i>); presented, and read the first time [Bill 193] ..	1054

LORDS, MONDAY, JULY 6.

MALAY PENINSULA—Question, Observations, Lord Stanley of Alderley; Reply, The Earl of Carnarvon:—Short debate thereon ..	1054
NAVAL CADETS—OBSERVATIONS—RESOLUTION—	
Moved to resolve, That upon the consideration of the Returns which have been laid upon the Table of this House of “the regulations in force on board Her Majesty’s ship <i>Britannia</i> in respect to the summer and winter routine and the course of study prescribed for naval cadets,” also of “the examination papers issued for the examina-	

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tion of candidates for naval cadetships, and of naval cadets at the end of their first, second, third, and last term for the year 1873," it is the opinion of the House that an inquiry ought to be instituted as to the course of study prescribed for naval cadets, and as to the character of the post-terminal examinations, with the view of ascertaining whether the system has been found by experience to work satisfactorily in training up young officers to fit them in every respect for our naval service,—(*The Lord Chelmsford*) 1065

After short debate, Motion agreed to.

Glebe Lands Sale Bill (No. 136)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Bishop of Carlisle*) .. 1073

Amendment *moved*, to leave out ("now") and add at the end of the Motion ("this day three months,")—(*Viscount Portman*.)

After short debate, Amendment, and original Motion and Bill (by leave of the House) *withdrawn*.

Building Societies Bill (No. 127)—

Moved, "That the Bill be now read 2^a,"—(*The Earl of Harrowby*) .. 1079

After short debate, Motion agreed to:—Bill read 2^a accordingly, and committed to a Committee of the Whole House on Thursday next.

Agricultural Tenants Improvements Bill [H.L.]—Presented (*The Lord Meldrum*);

read 1^a (No. 149) 1079

COMMONS, MONDAY, JULY 6.

METROPOLIS—VICTORIA PARK—BATHING ACCOMMODATION—Question, Mr. Ritchie; Answer, Lord Henry Lennox 1080

INCLOSURE BILL—LEGISLATION—Question, Sir Charles W. Dilke; Answer, Mr. Assheton Cross 1080

METROPOLIS—THE NEW PUBLIC OFFICES—Question, Mr. Goldsmid; Answer, Lord Henry Lennox 1080

METROPOLIS—HAMILTON PLACE—Question, Mr. Goldsmid; Answer, Lord Henry Lennox 1081

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UNITED STATES—CUSTOM-HOUSE RULES—Question, Mr. Anderson; Answer, Mr. Bourke 1082

OUTBREAK OF SMALL-POX AT GLOUCESTER—Question, Colonel Kingscote; Answer, Mr. Slater-Booth 1082

MERCHANT SHIPPING ACTS—UNSEAWORTHY SHIPS—THE "PARCA" AND THE "WESTERN OCEAN"—Question, Mr. Hamond; Answer, Sir Charles Adderley 1083

IRELAND—VACCINATION—Question, Mr. Meldon; Answer, Sir Michael Hicks-Beach 1083

COURTS OF JUSTICE, WALES—WELSH INTERPRETERS—Question, Mr. Scourfield; Answer, Mr. Assheton Cross 1084

IRELAND—PAY OF THE CONSTABULARY—Question, Mr. Collins; Answer, Sir Michael Hicks-Beach 1085

THE DUTCH WAR IN ATCHIN—Question, Mr. Beckett-Denison; Answer, Mr. Bourke 1085

IRELAND—BOARD OF NATIONAL EDUCATION—LIMERICK MODEL SCHOOL—Question, Mr. Verner; Answer, Sir Michael Hicks-Beach .. 1085

Church Patronage (Scotland) Bill (*Lords*) [Bill 159]—

Moved, "That the Bill be now read a second time,"—(*The Lord Advocate*, 1086

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<i>Church Patronage (Scotland) Bill</i> —continued.	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "this House considers it expedient to legislate on the subject of Patronage in the Church of Scotland without further inquiry and information,"—(<i>Mr. Baxter</i>),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. Edward Jenkins</i>):—After further short debate, Question put:—The House <i>divided</i> ; Ayes 166, Noes 223; Majority 57.	
Original Question again proposed:— <i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. Anderson</i>):—After short debate, Question put:—The House <i>divided</i> ; Ayes 151, Noes 215; Majority 64.	
Original Question again proposed:— <i>Moved</i> , "That the Debate be adjourned till Monday next,"—(<i>Dr. Cameron</i>):—Question put, and <i>agreed to</i> :—Debate <i>adjourned</i> till Monday next.	
Royal Irish Constabulary and Dublin Metropolitan Police Bill —Ordered (<i>Sir Michael Hicks-Beach</i> , <i>Mr. Attorney General for Ireland</i>); presented, and read the first time [Bill 196]	1186
LORDS, TUESDAY, JULY 7.	
Intoxicating Liquors Bill (No. 130) —	
House in Committee (according to Order)	1186
Amendments made; the Report thereof to be received on <i>Tuesday</i> next; and Bill to be <i>printed</i> , as amended. (No. 160.)	
Foyle College Bill [H.L.]—Presented (<i>The Lord Chancellor</i>); read 1 st (No. 159)	1221
COMMONS, TUESDAY, JULY 7.	
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1221	
CIVIL SERVICE COMMISSION—THE SUPERANNUATION ACT —Question, <i>Mr. W. Gordon</i> ; Answer, <i>The Chancellor of the Exchequer</i>	
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1225	
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1225	
Land Titles and Transfer Bill (Lords) [Bill 136]—	
1226	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Attorney General</i>)	
1226	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "this House, whilst fully recognising the importance of facilitating and cheapening the Transfer of Land, is of opinion that those objects would not be accomplished by the measure now proposed,"—(<i>Sir Francis Goldsmid</i>),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, <i>withdrawn</i> .	
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Thursday</i> , 16th July.	

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Supreme Court of Judicature Act (1873) Amendment Bill (<i>Lords</i>) [Bill 179]—	
Moved, "That the Bill be now read a second time,"—(<i>Mr. Attorney General</i>)	1264
After short debate, Motion agreed to :—Bill read a second time, and committed for Friday, at Two of the clock.	
Court of Judicature (Ireland) Bill (<i>Lords</i>) [Bill 168]—	
Moved, "That the Bill be now read a second time,"—(<i>Mr. Attorney General for Ireland</i>)	1265
After short debate, Motion agreed to :—Bill read a second time, and committed for Tuesday next.	
New Mint Buildings Site Bill [Bill 162]—	
Moved, "That the Bill be now read a second time,"—(<i>Mr. Chancellor of the Exchequer</i>)	1270
After short debate, Moved, "That the Debate be now adjourned,"—(<i>Mr. Anderson</i>) :—Question put :—The House divided; Ayes 17, Noes 41; Majority 24.	
Original Question put, and agreed to :—Bill read a second time, and committed to a Select Committee.	
COMMONS, WEDNESDAY, JULY 8.	
Legal Practitioners Bill [Bill 24]—	
Moved, "That the Bill be now read a second time,"—(<i>Mr. Charley</i>)	1271
After short debate, Question put, and agreed to :—Bill read a second time, and committed for To-morrow.	
Church Rates Abolition (Scotland) Bill [Bill 26]—	
Moved, "That the Bill be now read a second time,"—(<i>Mr. M'Laren</i>)	1282
Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "while not unwilling to consider any equitable proposal for relieving feus in Scotland below a fixed standard of annual value from assessment for the erection and maintenance of ecclesiastical buildings, this House is of opinion that, without further inquiry, to exempt the land generally from burdens incidental to its tenure would be neither wise nor expedient,"—(<i>Colonel Alexander</i>),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question :"—After long debate, Amendment and Motion, by leave, withdrawn :—Bill withdrawn.	
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Moved, "That the Order for the Second Reading of the Bill be read and discharged,"—(<i>Mr. Mundella</i>)	1323
After short debate, Question put, and agreed to :—Order discharged :—Bill withdrawn.	
Mersey Channels Bill —Ordered (<i>Mr. Rathbone, Viscount Sandon, Mr. Torr</i>) ; presented, and read the first time [Bill 199]	1325
International Copyright Bill —Ordered (<i>Mr. Bourke, Mr. Attorney General, Sir Charles Adderley</i>) ; presented, and read the first time [Bill 197]	1326
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Factories (Health of Women, &c.) Bill (No. 143)—	
Moved, "That the Bill be now read 2 ^a ,"—(<i>The Lord Steward</i>)	1326
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<i>Moved</i> to resolve, That in the opinion of this House the present system of executing criminals is attended with unequal and needless torture and often leads to revolting and discreditable scenes,—(<i>The Lord Dunsany</i>) 1341
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Vaccination Act, 1871, Amendment Bill [H.L.]—Presented (<i>The Lord Walsingham</i>); read 1^a (No. 161) 1345

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Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to proceed further with a measure for amending the administration of the Law in regard to offences against the Rubrics of the Book of Common Prayer while that Law is in an uncertain condition,"—(<i>Mr. Hall</i>),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. Childers</i>):—After further short debate, Question put:—The House <i>divided</i> ; Ayes 114, Noes 275; Majority 161.	
Original Question again proposed.	
<i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. Pemberton</i>) ..	1440
After short debate, Question put:—The House <i>divided</i> ; Ayes 61, Noes 304; Majority 243.	
Original Question again proposed:— <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Colonel Makins</i>):—After short debate, Question put:—The House <i>divided</i> ; Ayes 112, Noes 188; Majority 76.	
Original Question again proposed:— <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. Cawley</i>):—Motion <i>agreed to</i> :—Debate <i>adjourned</i> till Monday next.	
Expiring Laws Continuance Bill —Ordered (<i>Mr. William Henry Smith, Mr. Attorney General</i>); <i>presented</i> , and read the first time [Bill 201] ..	1457
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Inns of Court Bill —	
A Bill to incorporate the Inns of Court, and to provide for the further administration of their affairs— <i>Presented</i> (<i>The Lord Selborne</i>) ..	1457
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SUPPLY —REPORT—	
Resolution [July 3] <i>reported</i>	1477
After debate, Resolution <i>agreed to</i> .	

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Sanitary Laws Amendment (re-committed) Bill [Bill 195]—	
Order for Committee read :— <i>Moved</i> , “That Mr. Speaker do now leave the Chair,”—(<i>Mr. Slater-Booth</i>)	1493
After short debate, Question put, and <i>agreed to</i> :—Bill <i>considered</i> in Committee.	
After short time spent therein, Bill <i>reported</i> ; as amended, to be considered upon <i>Tuesday</i> next, and to be <i>printed</i> . [Bill 202.]	
And it being now five minutes to Seven of the clock, the House suspended its sitting	
The House resumed its sitting at Nine of the clock.	
SUPPLY —Order for Committee read; Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair : ”—	
“FIRST FRUITS” AND “TENTHS” OF THE CLERGY—Observations, Mr. Monk	[House counted out.] 1500

LORDS, MONDAY, JULY 13.

LEONARD EDMUNDS, ESQUIRE —	
<i>Moved</i> , “That the Petition of Leonard Edmunds, Esquire, presented to the House on the 2nd of July instant, be referred to the Select Committee on the Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod,”—(<i>The Earl of Rosebery</i>)	1500
After debate, on Question, <i>Resolved</i> in the <i>Negative</i> .	
Working Men’s Dwellings Bill (Nos. 135-171)—	
House in Committee (according to Order)	1516
After short time spent therein, Bill <i>passed</i> .	
General School of Law Bill [H.L.]— <i>Presented</i> (<i>The Lord Selborne</i>); read 1 st (No. 170)	1517

COMMONS, MONDAY, JULY 13.

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COAL MINES ABROAD —STATE OWNERSHIP—Question, Mr. Knowles; Answer, Mr. Assheton Cross	1517
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After long debate, Question put:—The House divided; Ayes 307, Noes 109; Majority 198.	
Main Question put, and agreed to:—Bill read a second time, and committed for Thursday.	
Division List, Ayes and Noes	1601
Public Health (Ireland) (re-committed) Bill [Bill 161]—	
Bill considered in Committee	1604
After short time spent therein, Bill reported; as amended, to be considered upon Thursday.	
Intoxicating Liquors (Ireland) (No 2) Bill [Bill 191]—	
Moved, "That the Bill be now read the third time,"—(<i>Sir Michael Hicks-Beach</i>)	1605
After short debate, Question put, and agreed to:—Bill read the third time, and passed.	
IRELAND—FENIAN PRISONERS—MOTION FOR A RETURN—	
Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Returns of the names of the persons who died, or became insane, or permanently disabled at any time during the last ten years whilst suffering imprisonment under warrants issued by the Lords Lieutenant of Ireland by virtue of the powers conferred on them by the Habeas Corpus Suspension (Ireland) Acts and the Peace Preservation (Ireland) Acts:	
"Of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment on account of their conviction, either as principals or accessories, of the murder of Serjeant Brett at Manchester:	
"Of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment under convictions for treason-felony:	
"And, of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment under sentences of Courts Martial in Ireland for offences against the Articles of War appearing to be connected with their complicity with the Fenian conspiracy,"—(<i>Mr. O'Connor Power</i>) ..	1609
After short debate, Question put:—The House divided; Ayes 21, Noes 92; Majority 71.	
Alderney Harbour Bill—Ordered (Mr. William Henry Smith, Sir Massey Lopes, Lord Eustace Cecil); presented, and read the first time [Bill 206] ..	
	1611
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Intoxicating Liquors Bill (Nos. 130-160)—	
Amendments reported (according to Order)	1611
Amendments made:—Bill to be read 3 ^a on Friday next, and to be printed, as amended. (No. 176.)	
Vaccination Act (1871) Amendment Bill (No. 161)—	
Moved, "That the Bill be now read 2 ^a ,"—(<i>The Lord Walsingham</i>) ..	1613
Motion agreed to:—Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on Thursday next.	
Chain Cables and Anchors Bill (No. 157)—	
Moved, "That the Bill be now read 2 ^a ,"—(<i>The Earl of Dunmore</i>) ..	1616
Motion agreed to:—Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on Thursday next.	
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Endowed Schools Acts Amendment Bill [Bill 187]—	
<i>Moved</i> , “That the Bill be now read a second time,”—(<i>Viscount Sandon</i>)	1625
Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months,”—(<i>Mr. William Edward Forster</i> .)	
Question proposed, “That the word ‘now’ stand part of the Question:”	
—After long debate, Question put:—The House <i>divided</i> ; Ayes 291, Noes 209; Majority 82.	
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Monday</i> next.	
Police Force [Expenses]—Resolution [July 13] <i>reported</i> , and <i>agreed to</i> :—Bill ordered (<i>Mr. Raikes</i> , <i>Mr. Secretary Cross</i> , <i>Mr. William Henry Smith</i> .)	

COMMONS.

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FRIDAY, JUNE 19.
 For *Galway Borough*, *v.* Francis Hugh O'Donnell, esquire, void Election.
 FRIDAY, JUNE 26.
 For *Launceston*, *v.* James Henry Deakin, esquire, void Election.

NEW MEMBERS SWORN.

FRIDAY, JUNE 19.
Wigton Burghs—Mark John Stewart, esquire.
 TUESDAY, JUNE 23.
Durham County (Northern Division)—Charles Mark Palmer, esquire.
 THURSDAY, JUNE 25.
Durham County (Northern Division)—Sir George Elliot, baronet.
 THURSDAY, JULY 2.
Galway Borough—Michael Francis Ward, esquire.
 THURSDAY, JULY 9.
Launceston—James Henry Deakin, esquire.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 5 MARCH, 1874, IN THE THIRTY-
SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Wednesday, 17th June, 1874.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading—Apothecaries Licences* * [155].

Second Reading—Permissive Prohibitory Liquor [9], *put off*; *Rabbits* [100], *debate adjourned*; *Personation* * [146].

Committee—Working Men's Dwellings [22]—
R.F.

*Withdrawn—Cruelty to Animals Law Amend-
ment* (No. 2) * [104].

CONTROVERTED ELECTIONS—COUNTY OF DURHAM (SOUTHERN DIVISION).

MR. SPEAKER informed the House, that he had received from Mr. Justice Mellor, one of the Judges on the Rota for the Trial of Election Petitions in England, a Report relating to the Election for the County of Durham (Southern Division).

That in the matter of the Election Petition complaining of the Election and Return of Joseph Whitwell Pease, esquire, and Frederick Edward Blackett Beaumont, esquire, who at the late General Election were returned to serve in Parliament for the Southern Division of the County of Durham, Mr. Justice Mellor reported that a summons for leave to withdraw the said

Petition came on to be heard before him this day, and being satisfied that the withdrawal of such Petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other Petition, he had made an order for the withdrawal of the same.

PERMISSIVE PROHIBITORY LIQUOR

BILL.—[BILL 9.]

(*Sir Wilfrid Lawson, Sir Thomas Bazley, Mr. Downing, Mr. Richard, Mr. Dalway, Mr. Charles Cameron, Mr. William Johnston.*)

SECOND READING.

Order for Second Reading read.

SIR WILFRID LAWSON moved
the second reading of the Bill.

Motion made, and Question proposed,
“That the Bill be now read a second
time.”—(*Sir Wilfrid Lawson.*)

MR. WHEELHOUSE in rising to move that the Bill be read a second time that day six months, said, that had he consulted his own inclination he should have followed the example of the hon. Baronet the Member for Carlisle, who submitted the Motion for second reading without explanation or introduc-

tory remark; for he should have much preferred not to say one word in proposing the Amendment then in his hands; but, as he had informed the hon. Baronet, he felt that in a new House of Commons, the matter stood in a different position from that in which it was placed last year. Had it been otherwise, he should not, on the Motion for the second reading, have entered into all the minutiae and details of this Bill. But circumstances had very much changed since last Session, and when he asked the House to reject this so called Permissive Prohibitory Liquor measure, it was only paying a deserved tribute of respect to the hon. Baronet the Member for Carlisle to say, that in doing so he (Mr. Wheelhouse) experienced some *scintilla* of regret; for it was matter of no little difficulty to deal with an opponent, at once, so kind, thoughtful, manly, and fair as he always proved himself. Both he and the hon. Baronet had passed through a long period of active political life, and however they might differ in political opinion, each considered this was no personal matter between him and the other side, but that each was simply performing a duty which he owed to society. The Bill which was then before the House manifestly and unmistakably was one which practically sought to put an end to drinking of every class and kind, if not throughout every portion of the United Kingdom, at all events, throughout the greater part. It might, and possibly would, be stated that the ratepayers must back up the Permissive Prohibitory principle before it could be brought into operation in the several parishes, districts, or counties, as the case might be. That statement was very pretty in theory, but once allow the hon. Baronet the Member for Carlisle to carry out his view, and it followed as a direct logical conclusion that he meant drinking of all kinds—whether beer, wines, spirits, or anything else—should be practically prohibited throughout the whole of this country. Now, was that a reasonable proposition in itself? Why should not he, if he thought fit, drink a glass of wine, beer, or spirits; and if it were not right that he should be prohibited—and no living man could ever prohibit him—was it reasonable or just that the man having no cellar of his own, having no club to which he could resort, should be

debarred or prohibited from drinking anything in reason, that he desired to procure? But that was by no means the worst feature or only object of the Bill. According to the 10th clause there could be no question that the object was—and the hon. Baronet himself was always ready—so far as he individually was concerned, though a very different line of conduct was sometimes pursued in other cases—to admit it to be the object—not only to shut up every public-house throughout the length and breadth of the land, but to close all the breweries and distilleries in the country. They had at present an enormous quantity of wine imported into Great Britain, and if restrictions were placed on its importation, those who could not get beer or malt liquor made in this country would import it themselves. The object, therefore, which the hon. Baronet the Member for Carlisle desired to promote avowedly and practically, must fail. He could not, if he desired it ever so much, or by any means that he could devise, stop the importation of wine or the distillation of spirit, or the manufacture of beer, for breweries and distilleries would rapidly be raised up outside the jurisdiction of the country at Boulogne or elsewhere, and they would simply find beer and spirits imported just as wine now was, so that the object would be defeated utterly in that respect; but it would fail in a way in which there could be no doubt, throughout the length and breadth of the land creating a monopoly which might carry with it ability on the part of the upper classes in life to purchase what they wanted, while at the same time, it took away from the poor man, who had neither club nor cellar, the privilege of having a glass of beer, however thirsty he might feel, or however much he might desire reasonable refreshment. Such a state of things, he believed, would produce revolt and revolution in this country. There were gentlemen who, in the earnestness of their views—he would not say believed they could make people sober by Act of Parliament, but who thought that good of some kind would result in passing a measure of this description. Now, he apprehended that the old rule, which he had been taught from childhood, and from which he had never departed, was true of English legislation, and that rule was, or ought to be—for recently it

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had been more and more infringed from day to day—that so long as men did you no harm, and did not interfere with your purposes of life or daily avocations, you had no right or business to deal with them, or in any way to restrict them in matters in which they should have the same freedom of opinion as yourself. That he always understood to be the rule and intention of English legislation. Latterly, however, there had sprung up a sort of semi-paternal desire for everybody to rule everybody else—to go far, perhaps he should not say to meddle and muddle in every direction, whether people wished it or not—but as if everybody except the individual concerned required legislation. But when the immediate subject of legislation bore directly on that individual himself, it was wonderful how soon his views changed. One had only to bring in a Bill affecting adversely his interests, or running counter to his views and opinions, when we find him getting up and saying, “This will never do,” because it affected him personally; so that, unfortunately, it was not always from motives of the purest and most unalloyed patriotism that a certain amount of bias, however unconsciously, was imported at times into discussions in that House. But in all such matters he most thoroughly acquitted the hon. Baronet the Member for Carlisle. As far as that movement was concerned, he believed that no man could be more zealously and more completely, with greater heart and mind, devoted to the cause with which his name stood identified. All his advocacy went to show, from first to last, a consciousness of duty to put a stop to illegal, or, even indeed, to legal drinking, so far as it was possible to do so. Now, let them suppose that this Bill was passed to-morrow. What would happen? What would be the effect? He (Mr. Wheelhouse) would not be interfered with. His friends would not be interfered with. Men in an independent position of life could not be in the slightest degree affected, so long as they had a stock of wine in their cellars. By no prohibition that it was possible to conceive could an embargo be laid on him, his friends, or their families. But look to the consequences, on the other hand, to those who were in the position of what was called by some the inferior classes. There

would be no public-houses, no possibility of getting a glass of beer, or of brandy, even if it were to save life: and he had known instances of the kind where a glass of brandy had, medicinally, proved most valuable. What would be said throughout England if the House of Commons, helped by the House of Lords, had passed a Bill of the kind which prohibited the humbler and less-favoured classes from getting what they wanted, and left untouched the legislators themselves? Would it not be wrong and disgraceful if the Parliament of England gave its sanction to any enactment of the kind? In the North of England, the part of the country with which he was best acquainted, he had no hesitation in saying that the people were growing more sober in their habits day by day. That was not because they were averse to taking a glass of beer or spirits according to their means. They did that, but they knew that intemperance was a disgrace to them as individuals, and would cause them to forfeit not only their position with their employers and their standing in society, but their own self-respect. The common-sense of Englishmen in these matters was invaluable. They might trust the working men to take a shrewd view of their own interests. A working man knew very well that if he became a drunkard, he would lose any chance of keeping the situation in which he might be; that he would lose all opportunity of being promoted to be overlooker or foreman, or, in fact, of any rise in life. No employer in his senses would either employ a drunkard when he could get a sober man, or give the preference to an intemperate and unsteady man, who was to be entrusted with the responsibility of looking over others. These were ordinary restraining influences far stronger than any legislation, and they worked he had no doubt powerfully upon society at large. But he was told that there had lately been a great increase in the consumption of spirits and beer, and some persons attributed that increase to what was called “secret,” he did not call it “illicit,” drinking, because the Wine Licensing Act which enabled grocers to sell wines, spirits, and beer was public enough, however “secret” might be the consumption to which it might have led. He never liked that Act, but it was in existence, and it would

be difficult after it had become a part of the law of the country to repeal it, even if the necessity for doing so were, perhaps, more apparent than it was. But he did say that it was wrong to attribute solely to the licensed victuallers or the beer-sellers the increase of the consumption of spirituous liquors and beer. The beer-sellers, at any rate, were not chargeable with that, they had nothing to do with it. And it was a fact, palpable as it was notorious, that the increased consumption of spirits was contemporaneous in point of date with and from the passing of the Wine Licensing Act. He knew many licensed victuallers and beer-house keepers, and he knew that they all felt that there was no greater enemy to himself than the licensed victualler who encouraged drunkenness in his house. The drunkard sent away all the respectable people who would otherwise have become customers, and the house became deserted and desolate. They had all seen cartoons and pictures illustrative of the dreadful state of drunkards. He admitted all that could be said on that subject. No man had a greater contempt than he had for the habitual drunkard, but it was quite another thing when they came to deal with men who took refreshment in moderation, and who did not fall into excess. He could not comprehend why a man who took reasonable refreshment should be prohibited from taking either wine, spirits, or beer, any more than he should be prohibited from taking beef or bread. It was neither right nor reasonable to punish the moderate man because he lived in a neighbourhood where there were a few drunkards. If a drunkard broke the law, punish him; but do not punish the man who did not offend against it. What had that to do with him? Under this Bill, however, he would be punished, not for any offence committed by himself, but because others might break the law. Because others were drunkards, why should the moderate and temperate man be deprived of his ordinary refreshments? He knew that all these things spoke trumpet-tongued for themselves, not only in that House, but outside of it; and he knew also that in face of such a powerful public feeling, such a Bill as this had no chance of becoming law; but it was necessary to point out the evils which would follow if ever it did. If in consequence

of absence of mind, or by accident, there should ever be a majority in its favour in that House, and if by an improbable, or rather impossible accident, it should have a majority in what was called "another place," what would be the result? Why, that the Legislature would be called upon by an indignant and aroused people the day after to-morrow to retrace their steps and repeal the Act. Some years ago there was an attempt to introduce in a mitigated form the Forbes-Mackenzie Act in this country. The working men of England resisted such an attack upon their liberties and their habits, and they put a speedy end to such ill-advised and intolerant legislation. Prohibition they would resist to the utmost, but to regulation within due bounds they would readily submit. Now, as to this Bill. First of all it began with a very grave declaration, which, he believed, the House was not prepared to make. It began as followed:—

"Whereas the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented; and whereas it is right and expedient to confer upon the ratepayers of cities, boroughs, parishes, and townships the power to prohibit such common sale as aforesaid. Be it therefore enacted," &c.

He did not know that the common sale of a glass of beer produced all, or one-half, or one quarter of the evils enumerated. He could understand that if a man drank hard, and consumed some gallons of spirits in a short time, he might die of *delirium tremens*, and leave a family behind him to go into the workhouse, and thus become a burden upon the rates; but he did not know why because of such an exceptional case, the moderate and temperate men, who constituted the great bulk of the population, should be punished by being deprived of their ordinary refreshments. He knew there were people who thought that men could live without those refreshments or stimulants, and who said—"You ought to be prohibited from taking them because your example has the effect of encouraging intemperance. If we take away the power of consuming intoxicating liquors altogether the first step towards drunkenness can never be taken." That argument might be used

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in many other cases; but he must say that he was very far from comprehending such a line of reasoning applied to everyday life—he never had been able to follow it, and he believed he never would. Well, having given the Preamble to the Bill, he came to the 1st clause—

“At any time from and after the passing of this Act it shall be lawful for or more ratepayers residing in any municipal borough or parish, by notice in writing under their hands, to require the mayor of such municipal borough, or the overseers of the poor of such parish, of the ratepayers of such borough or parish respectively, as to the propriety of bringing into operation therein the provisions of this Act,”

and on that requisition of the ratepayers the Mayor or overseers were to issue public notices of the time of voting for or against the adoption of the Act. Let them just look at the effect of this. The mayor or overseers might no doubt be highly respectable persons in their own way, but by Clauses 3 and 4 they were required and empowered to distribute and collect voting papers, on which the ratepayers mark; and the ratepayers only, not the body of inhabitants generally, were required to write “Yes” or “No.” In a parish, perhaps, some seven miles long that would cause no little expense; but that was not the worst. Who was to guarantee that the voting papers when collected would give the genuine answers of the ratepayers themselves? He would not attribute deliberate fraud, but they all knew how anxious a strong party on the side of the hon. Member for Carlisle, who had first put this machinery in Motion, would be to achieve their object, and such things had happened. What would be the result? In a parish, say of 2,500, a majority of two-thirds of such ratepayers would have the power of preventing all their neighbours from obtaining the refreshments to which they had been accustomed, and the want of which they would feel to be a great deprivation. The moment these two-thirds of the ratepayers willed it, the Bill became *ipso facto* law, and for three years every public-house in the parish, city, borough, or township would be closed; the property of the publican would be confiscated, the vats of the brewer, the machinery of the distiller, the whole of the plant employed in the trade would be stopped working, and everything would go to wreck and

ruin, at the will of a number however small, it might be half-a-dozen or a couple even of irresponsible ratepayers, who might be worked upon in the manner he had suggested. The hardship to a ratepayer who was in the minority was that he would be deprived of the chance of getting a glass of beer for three years, if he lived so long in the parish after the Act was put in operation. There was this peculiarity in the Bill—that while it gave every encouragement to keep up a continuous agitation in favour of the introduction of the Bill—once it had been adopted—those who were opposed to it could do nothing for three years. The 8th and 9th clauses were singular illustrations of the notions of fair play which were entertained by the framers of the Bill. And he called the especial attention of the House to the marginal notes in reference to each of those clauses. He ventured to think that while that appended to the 8th clause was plain enough, the side note of Clause 9 was couched in language obscure enough to mislead, if not actually to deceive, since it carefully avoided all mention of the three years inserted in the body of the proposed enactment itself. The 8th clause provided, after a vote against the adoption of the Act, one year was to intervene before another vote was taken; and yet, singularly enough, the very next clause, Clause 9, provided that three years must elapse before the ratepayers of any borough or parish in which the Act had been adopted should be entitled to call upon the Mayor or overseers to reconsider the question. By these clauses the advocates of the prohibitive system gave themselves the power of keeping up an agitation all over the country from six months to six months; in other words of keeping everybody in hot water from year's end to year's end, but the moment they succeeded in any one place, no matter how sorely their victims might feel the grievance imposed upon them, they must not move for three years in the matter, and for that long period bear without the chance of redress the yoke laid upon them. He called that as cool a proposition as ever was laid before the Legislature of any civilized country. He did not understand that kind of legislation at all, but here it was in the Bill. He did not know what the House might think upon the

subject; but this he did say, that they ought to have a clear, definite, and distinct understanding that what they agreed upon should be at least fair to both sides. He knew that conscientious people possessed by certain ideas, and mixing but little with society outside of their own circles, might almost unconsciously err in that respect. The teetotalers, as a body, were utterly ignorant of the feelings of a large portion of the people on this question. It might be replied—"Look at the Petitions which have been sent to the House in favour of the Bill." Well, they all knew how these Petitions were got up. There were Rechabites, Good Templars, and he knew not how many more fussy, energetic, well-organized bodies, noisy rather than numerous, who got up meetings attended only by a few of their own members; the cut-and-dry Petition was agreed to; it was hawked round for signature, and then sent in as an expression of public opinion—a quality to which it had not the slightest pretension. They all knew that the managers of these movements were more energetic than rational, or, at all events, their energies were very ill directed. Then, in another clause, came the most extraordinary proposition which had ever been made in a civilized country. Here were the words—

"From and after the time limited for the commencement of this Act in any borough or parish, no licence whatever shall be granted or renewed for the sale of any alcoholic liquor within such borough or parish: and any person selling or disposing of such alcoholic liquor within such borough or parish shall be dealt with as selling without a licence, and shall be subject to all the penalties provided for such offence under any Act or Acts of Parliament which may be in force at the time of the adoption of this Act."

He could scarcely conceive of a proposition more extraordinary, or one calculated to inflict more inconvenience upon a whole population, or greater loss upon persons engaged in a particular trade without reason and without compensation, than that contained in this clause. To make such interests depend on the votes of two-thirds of the ratepayers in any locality—say of 1,600 out of 2,500—be it remembered, too, without asking or consulting the general body of inhabitants, was wholly opposed to justice, and he did not believe that Parliament would ever sanction such legislation. They all knew perfectly well that those

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who supported this Bill meant far more than they thought it discreet openly to avow. They meant—if they had the power to do so—to shut up every brewery, distillery, and public-house of entertainment in England; and, as a consequence, every brewery, distillery, and public-house in Ireland and Scotland. The Bill meant that, and nothing less than that. He only wished the House fully to realize, or rather to idealize, what the effect of such legislation would be on the people of this country. He ventured to say that if its provisions were carried into operation, it would create a feeling of indignation and discontent throughout the length and breadth of the country. They all knew what the supporters of this Bill did in the North of England. There was a certain number of persons called Rechabites, and they, accompanied by others, went with a memorial, signed by a certain number of ratepayers, to the justices at licensing time, and endeavoured to represent to them that they wanted no more public-houses in the neighbourhood, and their request was sometimes—though, he was happy to say, not always—listened to. He (Mr. Wheelhouse) was happy to find that of late years most of the justices had come to the conclusion that it was not desirable to allow of interference from, or to give audience to, persons who had no *locus standi* whatever on such occasions. The practice was, he thought, a most unjust and unreasonable one, and any measure calculated to support or encourage it should not be sanctioned by this House. He had gone through at some length the provisions of the Bill, in order that the House might clearly understand it, and, in doing so, he had performed to the best of his ability a duty he imposed on himself, and would now conclude by moving the rejection of the Bill.

Mr. GOLDSMID, who had a similar Notice of Motion on the Paper, in seconding the Amendment said, that early that morning they were discussing a Bill on the same subject, but of a totally different character, and now they had a measure before them which his hon. Friend the Member for Carlisle must know would be totally impracticable if it was ever put into operation. He (Mr. Goldsmid) had a great personal regard for his hon. Friend. He knew that no one in that House was

more deservedly popular than he was, on account of his amiability of character and benevolence of disposition, but no one was more dangerous or more difficult to deal with than a kind-hearted and amiable fanatic. What did his hon. Friend really propose by his Bill? He asked the House to allow two-thirds of the ratepayers to close all the public-houses in the country. Now, he (Mr. Goldsmid) believed he would be correct when he stated that the number of ratepayers in this country was about one-fifth of the population, and two-thirds of one-fifth amounted to two-fifteenths. Therefore, according to his hon. Friend's Bill, two-fifteenths of the population were to be empowered to prevent thirteen-fifteenths from getting their beer, or any other refreshment, when they required it. Now, that he conceived to be a gross injustice, which this House would never sanction. Well, then, he would further ask, of what class were these two-fifteenths of the population composed? Why, of men like his hon. Friend the Member for Carlisle, who had a good cellar at home, and for whom, of course, there was no necessity to go to a public-house. But was that a reason why they should prevent the rest of the population from obtaining what refreshments they required? That showed the gross unfairness of the Bill. But it did not stop there. Let them take the clause referred to by his hon. Friend who had just sat down. By it the supporters of the Permissive Bill might renew agitation from year to year, however great the majority by which they were defeated; but if they, on any one occasion, happened by chance to get a majority of two-fifteenths of the ratepayers of a parish or district in favour of compulsory closing, then they were to have it all their own way for three years, and the thirteen-fifteenths of the population were not to be allowed to raise the question again for three years. This was not only unfair, but also oppressive. Now, having pointed out what appeared to him to be the great unfairness and offensiveness of the Bill, let the House see on what grounds his hon. Friend the Member for Carlisle supported it. He (Mr. Goldsmid) had heard him say in many past Sessions, when introducing his Bill, that drunkenness had increased and was increasing, and that this Bill of his was

the remedy. Now, of this increase of drunkenness, he had never given any proof; on the contrary, it was well known that the education and moral habits of the people had greatly improved, and that men had thereby learnt to respect themselves. A man who respected himself did not drink to excess; and, consequently, drunkenness was decreasing, and not increasing. It should be remembered that not more than a generation ago, gentlemen moving in the upper classes of society were in the habit of taking many a glass too much; but that practice was now gone, and he believed that the public opinion which caused its disappearance would, in the same manner, remove the habit from the working classes. He did not, therefore, believe that the allegation made by his hon. Friend that drunkenness had been on the increase was correct. But even if he admitted for a moment that it had been so, did his hon. Friend the Member for Carlisle believe his plan was capable of putting an end to it? He (Mr. Goldsmid) could not think it was. All the evidence was the other way. In 1872 the junior Member for Derby (Mr. Plim-soll); and, in 1873, the late Member for Bath (Mr. Dalrymple), both warm supporters of the Bill, after visiting America to see for themselves the working and results of the Maine Liquor Law, gave to the House the results of their investigation. These were anything but satisfactory to the hon. Baronet, who had himself been invited over and over again to go to America to judge for himself; but who had, for obvious reasons, declined the invitation. Well, the two Gentlemen had returned to confess that the whole plan was a total failure. He remembered well Mr. Dalrymple saying that, in Boston alone, which was the head-quarters of the system, 300 different kinds of wines and spirits were sold; and that he was told, in what was there called an "ice-cream" shop, that they were in favour of the Maine Liquor Law, but against its enforcement—what could be a greater sham than that? Again, see what was stated in *The Boston Advertiser* of January, which estimated that the number of places in that city where liquors could be obtained exceeded 3,500, and went on to say that—

"During the past year the State constables have prosecuted about 700, or about one in five,

while neither the number of places nor the quantity of liquor sold has been diminished at all. These complaints," it continued, "have been notoriously made against the least influential persons in the business, and this is why the public are astonished when a man of some mark is visited, or when more than merely a nominal amount of liquor has been seized. The State constables do not complain of the principal hotel keepers, for it is not politic to do so, as that would put the law to such a strain that its repeal, or the overthrow of the party sustaining it, would surely follow."

The Boston Advertiser further said that—

"The Commissioners know that they cannot rely upon the machinery of Courts to convict and imprison a man of high social position under this statute—something gives way."

Did not all this prove the absurdity of the law? He (Mr. Goldsmid) would add that, in the Maine Liquor Law States, if beer could not be obtained elsewhere, it could always be purchased at the chemists' shops under the name of "extract of malt." Further, he desired to quote the opinion of Mr. Martin Griffin, who had recently resigned the post of State Police Commissioner at Boston, and who said—

"I am now fully convinced that the Prohibitory Law, as it now stands on the Statute Books, is detrimental to the cause of temperance, and that it leads to corruption and inefficiency."

What could be stronger than that? Again, it was well known that in those Permissive hotels where no liquor was sold during meals, after dinner any drink could be obtained at a bar open upstairs, to which the diners were invited on pleas more or less hollow. Notwithstanding all that, the hon. Baronet was asking Parliament to pass this sham piece of legislation, and that, too, in the face of the positive proofs obtained in the very home and head-quarters of the Maine Liquor Law, that the legislation in question had entirely broken down as a remedy for drunkenness. Not only would the Bill, if passed, prove a mere sham, but it would result either in a revolt against an oppressive law, or an utter disregard of its provisions by the great mass of the people—either result being equally to be deprecated, for he would ask, was it the duty of the House of Commons to pass a law against which the moral sense of the people revolted, and which, everyone knew, must, at the best, be a dead letter? Another objection to the Bill was, that it would inflict a great injury upon a large and respectable class of persons

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who were engaged in the liquor business. The class of persons engaged in this business had of late years greatly improved in respectability. Many of them were men of position and standing in society who had invested large sums of money in the business, and who were therefore entitled to more consideration than the hon. Baronet proposed to extend to them. The General Election, moreover, showed that public opinion was against the measure, and there could be no doubt that fewer persons, both in and out of the House, were in favour of it than some five or six years ago; consequently it seemed that the more the measure was ventilated, the more it retrograded. He might remark, in passing, that, so far as he knew, no hon. Member of distinction or eminence in that House, with the exception of the hon. Baronet, had ever supported the Bill then under consideration. Public opinion here was, as he had shown, opposed to the principle of the Bill; and all the highest individual authorities could be quoted on the side of public opinion. He (Mr. Goldsmid) agreed with Oliver Cromwell, who, in replying to some Scotch Minister, said—

"Your pretended fear lest error should step in is like the man who would keep all the wine out of the country lest men should be drunk. It will be found an unjust and unwise jealousy to deny a man the liberty he hath by nature, upon a supposition he may abuse it; when he doth abuse it, judge."

So said he (Mr. Goldsmid). Till a man abused his liberty and rights, do not judge him. But, perhaps, the hon. Baronet might object to the antiquity of this opinion. If so, he would give him the views of a great Liberal Statesman of the present day, whom the hon. Member would himself respect—namely, Mr. John Bright, who had written in answer to a supporter of the Bill—

"I wish I could vote in accordance with the purport of the Resolution; but I cannot do so, for reasons which I have more than once explained to my friends in Birmingham. I am as anxious to promote the cause of temperance as any man who supported that resolution; but I must endeavour to promote it by means which are consistent with reason, with constitutional practice, with a consideration for the just rights of those concerned, engaged in a legal traffic, and with my own view of what is likely to be effective towards the end we seek. I see great good in this end which your friends profess to seek—the lessening of the great evil of intemperance. But I think I observe a remarkable absence of wisdom in the chief measure they

offer for our adoption. I think it is one which, in its present shape, can never be adopted by Parliament, and which, if it were adopted, would grievously disappoint its most sanguine friends. I regret deeply that I am obliged to differ from so many zealous and good men on this question. I must, however, accept my own judgment and conscience as my guide in the course I must take in regard to it. I wish I could have written you a different reply. What I have written I am sure you will not unfairly interpret."

He (Mr. Goldsmid) quite agreed with Mr. Bright, and he thought the House would agree with him, in the truth of the opinions expressed by the high authority from whom he had quoted, and in the view that the Bill of the hon. Baronet displayed a "remarkable absence of wisdom." It was not pleasant to refer to personal matters in a debate on a public question, nor did he (Mr. Goldsmid) desire to infringe the privacy of any man's home; but, if he was correctly informed, the hon. Baronet who had charge of the Bill did not endeavour to enforce abstinence from intoxicating drinks upon those who, as friends and guests, assembled under his hospitable roof. He therefore failed to see how a Gentleman who had not the courage of his opinions in his own house, could ask the House of Commons to adopt the principle of abstinence on behalf of the country generally. The real fact was, that the hon. Baronet made the mistake of confounding the use of a thing with its abuse. Supporters and opponents of the Bill alike agreed in condemning the abuse of intoxicating drinks; but the opponents of the measure seemed to be alone in the view that, so long as abuse was avoided, the use of beer, wine, and spirits was anything but perfectly legitimate. These were the reasons why he ventured to second the Amendment for the rejection of the Bill, and for similar reasons, the House last year emphatically pronounced against it. He would in conclusion ask the hon. Baronet to adopt the principle of his Bill, and be a total abstainer from troubling the House again during the present Parliament with this measure. The hon. Baronet knew full well that he never would carry it through Parliament, as the feelings of the country were entirely against him; and, therefore, he would be consulting the public interest, and would save the time of the House, if he would follow the advice he (Mr. Goldsmid) ventured to offer. He hoped that the

House would sanction the Amendment by a decisive majority.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(Mr. Wheelhouse.)

Question proposed, "That the word 'now' stand part of the Question."

MR. SCOURFIELD contended that private action of individuals ought not to be considered by Parliament. He objected to creating small Parliaments throughout the length and breadth of the country, and to making two-thirds of the inhabitants of parishes the arbiters and judges over the requirements of the remaining one-third. If the penalties directed against drunkenness were not severe enough, let them be made more severe and be properly enforced; but they ought to be careful how they interfered with the freedom of the mass of temperate people, under the plea of putting down drunkenness. If they were to legislate against everything which in any way conduced to intemperance, they must legislate against the sale of red herrings and other provocatives of thirst. He did not regard the Petitions presented in respect to that Bill as any real index of public feeling on the subject, because it was only those persons who wished the existing state of things to be changed who agitated and petitioned, while the far greater number who were perfectly content remained quiet. It was dangerous for any Government to make itself disagreeable to the country by repressive legislation, which should follow and not lead public opinion. Comparatively few people might be able to understand difficult questions of policy, but every man knew when he was annoyed; and when politicians annoyed him by their irritating legislation he was apt to resent it, perhaps at a very inconvenient time. Viewing that Bill as an attempt to fly in the face of human nature, he must, though sympathizing with the motives of its advocates, give it his decided opposition.

DR. C. CAMERON said, it seemed to him that the House and the supporters of the measure had derived great advantage from the course which the debate had taken, because the hon. Member for Rochester (Mr. Goldsmid) had, to a great extent, answered the speech of the hon. Member for Leeds (Mr. Wheel-

house). The hon. Member for Leeds had endeavoured to show that, if the Bill became law, they would have not only public-houses and other places where drink was retailed closed, but breweries shut up. On the other hand, the hon. Member for Rochester (Mr. Goldsmid) told the House that a larger variety of liquors could be obtained in those part of the United States where laws analogous to those proposed by the Bill were in force, than in any place else under the sun. Both hon. Members had assured the House that drunkenness was decreasing, and that public opinion was improving. Now all that the hon. Member for Carlisle (Sir Wilfrid Lawson) wanted was, that public opinion should have fair play. The hon. Member for Leeds expressed the great reliance he placed in the common sense of the community, and the hon. Member for Carlisle so far agreed with it, that he desired to be bound by the common sense of two-thirds of the community. The hon. Member for Rochester based one of his great arguments against the Bill upon the fact that it proposed to place the power of prohibition in the hands of two-thirds of the ratepayers, which he told the House was only equivalent to two-fifteenths of the community, the proportion of ratepayers being only one to every five inhabitants. Surely, the hon. Gentleman had forgotten that the same relation between the number of ratepayers and inhabitants had existed at the date of the adoption of a ratepaying Parliamentary franchise. Did he wish to make an exception in favour of non-ratepaying women and children only in the case of the proposed prohibitory liquor selling vote? He (Dr. Cameron) maintained that up to that point in the debate not one word had been said against the principle of the Bill, which was whether the power to control the liquor traffic in the different localities should be vested in a majority of two-thirds of the ratepayers. The hon. Member for Pembroke (Mr. Scourfield) had pointed out the great danger that might arise from hasty and irritating legislation, and the safe-guards which were adopted by Parliament with the view of preventing the snatching of a majority; but there was no analogy between the two cases, because in one case a bare majority was sufficient to carry a given measure, whereas in the other a majority

of two-thirds was necessary. The hon. Member for Leeds had found fault with the marginal notes of the Bill; but the marginal notes did not affect the principle of the Bill, and mere objections to them were no justification for opposing the second reading of the measure. Nor did it seem to him that the proposal to permit ratepayers to rescind the Act, if they so desired, after it had been in operation for three years in any locality, was a vital principle. Then, they had been told that if the Bill passed, it would fail. If it failed, however, and became a dead letter, it could not do any harm. The statement that the adoption of the measure—a measure which would be a dead letter unless two-thirds of the ratepayers of any district voted for its adoption—would bring about a revolution in the country, showed how very far-fetched were some of the arguments against the Bill. They had been favoured with quotations from a speech on this subject by the right hon. Gentleman the Member for Birmingham (Mr. John Bright). There was no man in the House who had a higher respect for the right hon. Gentleman than he had, and no man who was inclined to pay greater deference to his opinions; but it seemed to him that, in arguing against this Bill on constitutional grounds, the right hon. Gentleman had not “a leg to stand upon.” The Constitution of this country was exactly what the last Act of Parliament made it; and were this Bill to become law to-morrow, it would be no less constitutional than the Ballot Act, or the system of compulsory education. Nor was the power to prevent the erection of public-houses considered so sacred a thing at present that it was entrusted to no one. They all knew that in granting building leases land-owners frequently stipulated that public-houses should not be erected. Many owners of property, too, prevented the erection of public-houses on their estates. Why, then, should the House fear to delegate to ratepayers a power which they had unhesitatingly entrusted to owners of property? The arguments which had been adduced as to the failure of the Maine Liquor Law, were arguments against the administration of an entirely different law in America, and not against the Bill. It seemed to him that he had answered pretty well all the objections that had been

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so far urged against the Bill, and he would content himself in saying that he would have great pleasure in supporting the second reading.

MR. A. MILLS said, he could corroborate the statements which had been made as to the utter futility of the Maine Liquor Law in America. It was notorious that in the hotels of the United States, people might obtain as much liquor as they desired; and in the shop windows they saw mysterious labels, bearing the word "chymicals," which meant that they might get drunk on the premises if they pleased. In fact, the prohibitive system, call it by what name they chose, had broken down in America, in Sweden, and wherever else it had been tried. He had little faith in any legislation for the repression of drunkenness. The Legislature ought to maintain order; but it would go entirely beyond its duty, if it attempted repressive legislation of the character proposed in the Bill. In checking intemperance, he wished them God speed; but any endeavour to do so by penal laws would be going against the wish of the thoughtful portion of the community. The Legislature had treated the traffic in intoxicating liquors as a monopoly, and professed to regulate it, and so far as that principle had been carried out it had been done wisely. But any proposal to go beyond that—any proposal to regulate the appetite of the people as to the quantity of intoxicating liquor they should consume, would not be tolerated, and would only lead to the increase of the very vice they desired to put down. He denied that the present Parliament had been returned on an understanding that something would be done on behalf of the licensed victuallers; all the agitation that had taken place had resulted from the proposals of the hon. Member for Carlisle and the unwise Bill introduced by the late Government in 1871. That Bill sought to place the licensed victuallers—honourable men, engaged in an honourable calling—under a ban, and to "disestablish" them in 10 years; but the present Bill would disestablish them all at once. What would be thought of a Bill which aimed at disestablishing all the solicitors, or all the pawnbrokers in the country, whose callings some people held to be mischievous. The hon. Baronet the Member for Carlisle had

once said it would be better for the country if all the publicans would emigrate; but it would be much simpler for the hon. Baronet to emigrate himself. The United Kingdom Alliance also would do a great deal more good, if the money they spent in keeping up a perpetual agitation throughout the country, were devoted to education. In his essay on "Social Progress," Sir James Kay-Shuttleworth said—

"It would be a prosperous day in the history of the United Kingdom, when the organization and enthusiasm of the prohibition party should be directed from the fruitless effort of trying to injure a trade that was flourishing through the demoralization of the people, and were, instead, applied with equal force and influence, in demanding from Parliament such measures for improving the condition of the people as would supply them with strength to resist temptation."

In the spirit of those remarks he entirely agreed; but he did not agree with the writer of the essay in thinking that the trade of the licensed victualler was one which flourished on the demoralization of the people. That he considered an inaccurate description of the trade. He had heard it so often said that it was the interest of the publican to promote intemperance, that he wished to give the statement a most emphatic denial, and everyone who was acquainted with the circumstances of the trade would bear him out in saying that the drunkard was the greatest enemy the publican had. With respect to the question of promoting temperance by prohibitory laws, he believed the thing impossible, and all legislation in that direction was worse than useless, since it had been proved by the examples of other countries that it was not by penal legislation they could effect such an object. The real thing to do was to raise the moral tone of the working classes—to make drunkenness as great a disgrace among them as it was regarded among the upper classes. If they exerted their efforts in that direction they would do more to put down intemperance than could be accomplished by a thousand such measures as that before the House.

MR. ROEBUCK: Sir, I wish in a very few words to express a very strong opinion. This Bill I look on as a wonderful effort on the part of a very small section of the community, who have created in my mind a great variety

of feelings. I have great respect for their zeal—I admire their industry; but I must beg their pardon when I say that I have a contempt for their intelligence. I look upon this measure from an independent point of view, and regard it as one which is open to all the possible objections which can be raised against any Bill. One of the great discoveries of modern times is, that we have conveyed to a small number of men, as Representatives of the people, the business of Parliament; but pass this Bill, and it will do away with that discovery. That would be its first effect; but, looking to the circumstances of the country, what else will this Bill do if carried into effect? Why, it would introduce into every small division of the country a constant system of dispute and contention. There would be no quiet in the land. There would be constant quarrels; no one would be certain what the law is; and we would introduce all this uncertainty and inquietude both into our social life and into all our commercial transactions. That is another reason why I am opposed to all legislation of this kind. Now what, let me ask, would be the other results of passing this measure? You are going to attempt to regulate the morality of the people by Act of Parliament, when you know in your heart that morality was never yet so governed; but we have all seen during the last 25 years a great change taking place in the habits of the upper classes. I recollect when I was a boy it was regarded as a showy thing—a thing, in fact, to be proud of—for a gentleman to be able to put, as it was said, three bottles under his belt—whereas in my own experience for the last 40 years, I can say that I have not seen a drunken man in a lady's drawing-room. The honest, intelligent, hard-working artizan has no drawing-room in his house; but he has his home, which is as sacred to him as his wife's drawing-room is to any Gentleman present; and I regret that it cannot yet be said that there is no drunken man nor drunken woman to be seen there. So long as that is the case he cannot claim for himself that dignified position to which he aspires of being the social equal of a gentleman. A gentleman in his system of morality considers it would be a disgrace to him to be seen drunk; but the workman does not so think, either with respect to himself or to his

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class. A workman may be drunk, and not be the less regarded on that account by his fellow-workmen; and until this state of feeling is altered, there is no expectation that he can obtain that dignity to which he aspires. I have as strong an objection to drunkenness as the hon. Baronet the Member for Carlisle has, and I have as strong a desire to see it removed. It is not, then, that we differ in our feelings, but that we differ as to the means which are best calculated to secure the object we desire. The means which he would adopt would spread dissatisfaction and discontent throughout the land; it would make the law as a thing to be looked on by the people with discontent and malice, as uncertain and inapplicable to their feelings and their wants. It would make this country cease to be what it is—a law-abiding nation. We are now, I say, a law-abiding people, but if this Bill were introduced among us, what should we see? We should see here what is to be seen in America. It is now more than half-a-century ago since I was in America, and therefore I cannot speak of my own experience, but I will tell you what I am told by my friends. They say that in the State of Maine there is no difficulty whatever in obtaining intoxicating liquors. It is to be got under various pretences. They were told, for instance, that in a particular room there was a yellow lion, which they might see for half-a-crown. Everybody knew what it meant, and having paid their money they could get as much drink as they liked. That is what takes place in America. They have found it impossible to put drunkenness down, and the law prohibiting the sale of intoxicating liquors was only made to be broken, and therefore you find that not only has the end of this legislation not been realized, but that a great deal of mischief has been done. The people have become defiant of the law. The law and they have become enemies, and thus disobedience of the law is added on to the vice of intemperance. The Maine Liquor Law is, in fact, a failure and a sham, and the people are less law-abiding than they were before. I ask, then, what is the use of bringing on this measure year after year, except it be to make the hon. Baronet the Member for Carlisle a bright and shining light on one Wednesday out of the 52. It goes

forth that his Bill is coming on on a particular day, and his friends come down to the House to listen to him—he is for the time the observed of all observers, and that is all. As to the good he does, nothing follows from it, except that the people of England more thoroughly understand how utterly futile and impossible it is to attempt to carry such a measure.

SIR WILFRID LAWSON: The hon. and learned Member who has just spoken has declared that he has the most profound contempt for the intelligence of those who support this Bill. Therefore, Sir, I shall not take any trouble in answering the objections of the hon. Gentleman, for I am sure that if such are his feelings, he would not listen to anything I might have to say. But I believe that the House will listen to my arguments. It always has done so on former occasions, and I am glad that on this, the custom which distinguishes the Derby day has not been adopted by the House, and that we have not adjourned for the Ascot races in the same way as we did for the Derby a short time ago, or I should have been prevented from bringing the measure forward this Session. It would appear from the state of the front Ministerial Bench, that the great bulk of Her Majesty's Ministers are at the races, and I think that I was quite right in waiting for two or three hours before delivering my speech, as my doing so, has procured for me the honour of seeing at least two right hon. Gentlemen belonging to the Government come down here and take their places who have apparently denied themselves that pleasure in their desire to hear what I have to say. I must explain the Bill to the House, because, although I have introduced it and explained it two or three times before, it was in the old House of Commons, and as there are in the present House no fewer than 240 Members who have not yet gone through the painful operation of hearing me explain the provisions of the Bill, I feel sure that I shall have the same kind attention from them as I have always had from the old Members. I am the more confident in saying this because there has been no Election of Parliament in our days during which beer has been so much the subject of conversation—I may add of consumption—as it was during the last Election. Therefore, we are all very much in-

terested in this subject. I do not know why I should have taken very much pains in preparing a speech upon this question to-day, because, in my humble opinion, during the last 10 days there have been at least 40 or 50 speeches made in this House, all of which have been very much in favour of the Permissive Bill. Every one will remember that whenever an hon. Member has got up to speak about the establishment of public-houses, and the times at which they should be opened or closed for drinking, he has, in endeavouring to come to some principle or plan for governing the opening and closing of those places, always been driven in the end to the conclusion, that the matter must somehow or other be left to the wishes of the neighbourhood, represented either by the people themselves, or by the magistrates, who may for such a purpose be taken as the representatives of the people. In fact, I should think, Sir, that the drink question is one that has been more discussed in the short Session we have already had than it has been during any three Sessions in which I have sat in this House. Why, it has come up every night in some shape or other; and whether the discussion has been in reference to the Budget, the malt tax, the education question, the opening of libraries and museums, the Factory Act Amendment Bill, or almost any other subject which has engaged attention, the debate has always branched into some talk about the drunkenness of the country and its effect upon the habits and manners of the people. We have, at the present moment, in this House no fewer than five bills—which is one above the average—all dealing with the traffic in drink; but if there has been a change in the audience whom I have the pleasure of addressing, there has also been a change in the ranks of my opponents, at least if I can call the right hon. Gentleman, the Home Secretary, an opponent, because my ancient enemy, Mr. Bruce, has departed to another and a better place where harrassed Members of Parliament are at rest, and where licensed victuallers never enter. I hope that I may say that I have not quite so formidable a foe in the present as in the late Home Secretary, because the right hon. Gentleman has of late brought forward some very startling propositions. Indeed, he has gone further than the present

Bill, for he has actually threatened the country with some dreadful measure for putting down illicit drinking in people's private houses—a proposal far stronger than that contained in any Permissive Bill or any Maine Law measures of which I have ever heard. It is not necessary for me to waste the time of the House in describing at length the horrible and awful evil which I know we all deplore, although it may be that we take different means of attacking it. I will not attempt the description, because the evil is of such a nature that it is utterly and absolutely indescribable. Neither will I go into lengthy statistics on the subject, because I know how they are treated in this House. It is well known that if any hon. Member gets hold of some borough where only three or four women have been taken up during the year, that fact is paraded before the House, and we are told that the millennium of sobriety is coming; but if I happen to state that in some large borough there have been three or four hundred more taken up, I am told that that does not bear on the question, as it only shows that the police have been a little more active than usual. I will only quote one instance, a sentence from the leading journal, which never takes the most blooming view of the state of the country, because it has no interest in doing so, and which is said to take an impartial view. That journal said not long ago,—and I wonder what my hon. Friend the Member for Rochester (Mr. Goldsmid), who said that drunkenness was decreasing so rapidly, will say to this—“Drunkenness, the national vice, has increased in spite of immense efforts, and is now as bad as ever. If there is a change, it is worse than ever.”

Mr. Goldsmid: *The Times* is wrong. My hon. Friend says that that is wrong; but I think that the writer in *The Times* knows as well as he does what is the fact. Only a few days ago *The Globe* newspaper, one of those organs which no doubt would describe me as a gloomy fanatic, which would describe everybody as a gloomy fanatic who thinks that drunkenness is not a good thing—speaking of the Whitsuntide holidays said:—

—The evil [during the Whitsuntide holidays] was simply scandalous. The return of parties from the country was attended by noise and confusion that disturbed peaceful people in all parts of London. . . . It does not speak well for this country that so many people cannot en-

joy a holiday without having recourse to degraded forms of pleasure.”

Now, the Chancellor of the Exchequer said in his Budget speech that “pauperism, after all our improvements, has not been reduced; the police rates have increased; the lunacy of the country has increased during the last 25 years.” Now, just think of what we have been doing during the last 25 years. This House—and I refer to all of us on both sides, whatsoever our party views may be—has really had but one object in view, and that has been to promote the prosperity and welfare of the country. During those 25 years we have worked very hard at that, and I think we have done our duty in a very large measure in that direction. Just think of the different Acts we have passed during that time for the benefit of the people. There have been the Improvement of Towns Act, the Factory Acts, Workshops Acts, Public Health Acts, Lodging-houses Acts, the Bakehouse Regulation Act, the Sanitary Acts, Local Government Acts, the Free Libraries Act, and that great measure which was passed by the late Government, the Education Act of 1870. I know I was told 10 years ago that the proper cure for the evil of drunkenness was education: and people used to say “Sit quite still and trust to education.” This has often been said since I first brought the Bill into the House. Now let me ask the House what have we spent on education in this country during that time? Why, if you include the Votes for Science and Art, we have expended no less than £15,000,000. During the same period, too, there has been more zeal in the Church and among religious bodies, and more agitation in favour of temperance; and yet, notwithstanding all this, whatever my hon. Friend below me may say, the evil has not been very greatly diminished. Now, there must be some cause for this. But I do not think my hon. Friend can point out any other reason than I now suggest—namely, that during the same time we have been going on spending more money in drink, until in 1872 it appears by Returns that there was no less than £4 per head spent in intoxicating drink by every man, woman, and infant in the country. I say that when you consider how many rectorials there are, and how many women and children who never touch a drop of drink, the sum spent in

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intoxicating liquor by those who do imbibe it is simply appalling. You may say that although there is more drinking there is not more drunkenness, and here I will quote from another paper which does not approve of me—I allude to *The Saturday Review*—which says that “if more drink be consumed, there will be more drunkenness.” Well, that is my case. It is quite delightful to see one’s case proved in this way out of the mouths of one’s opponents. I maintain that the public-houses are established to promote drinking. I do not say drinking too much, but it is natural that if men are allowed to provide fellow-men with more or less drink, it will promote drinking. [“No, no!”] Hon. Gentlemen say “No.” I hope they will get up when I have sat down and give their definition of what a public-house is. If they contradict me only upon their views of what the licence says, they may be right; but I say that that is not the point. The hon. and learned Gentleman, the Member for Sheffield talked last night in a manner which, if he meant anything, meant that the public-house was a divine institution. Well, if the hon. and learned Gentleman is content with that view there is nothing further to be said with regard to it, than that we must stick up for the public-house as a matter of religion. But it appears to me that this public-house system wherever it exists does cause the greatest possible evil. In that I am confirmed by all the ministers of religion throughout the country who say that it is the main source of pauperism, immorality, and crime. A Minister of State in Belgium had said somewhat to the same purport and has added—“The public-house interest is a great power which both political parties are afraid to meddle with, consequently the evil goes on unchecked and increasing.” I am glad that such is not the state of things here, because our Government have brought in a Bill for the purpose of further regulating the traffic which has already been to a great extent controlled by the legislation which we have adopted. I may, say, Sir, that there are three schools of thought and action on this matter. First of all, there is the Free Trade school. I do not think that that school has many supporters in this House, at any rate: I know that at present there is one hon. Member who has boldly avowed himself in favour of

free trade in drink. He is a very distinguished Member I admit; I allude to the hon. Gentleman the Member for Hackney (Mr. Fawcett), who, in speaking to his constituents—and I have heard him say the same thing in this House—said, that that was the proper way of dealing with the question. I am not sure whether the hon. Member for Leicester (Mr. P. A. Taylor) is not also a believer in free trade in drink; but I do not think he goes so thoroughly into it as the hon. Member for Hackney, because he stated in his speech, that he should not object to a law removing undue temptations from the people. It comes, therefore, to what is the definition of the word “undue;” and as he is only a half-and-half Free Trader, I may say that the Free Trade party in this House consists of one and a-half. I do not know whether I should go farther into this point, as the supporters of Free Trade here are so few; but I think that the Free Trade principle has been proved by the Beer Act—which we all admit to be a great curse—to have been a failure. The late Prime Minister brought in his Wine Act for the purpose of making free trade in wine. Well, the hon. Member for Leeds has said what a deal of harm that Act has done—and I quite agree with him—in making the trade in drink more free. The hon. Gentleman is really on my side, although he does not know it. The experience of all countries has proved that where you have free trade in drink it results in nothing but misery and ruin. Some one has talked about Sweden; but if he had looked closely into it he would have found that when they had free trade in Sweden it was a great evil. The next school of thinkers on the subject is the Prohibition class, which is a rather larger one than the one and-a-half class, but not so large as I could wish. They believe that if a trade be bad and injurious to the best interests of the country, it does not do to go about saying you will license it, and let a few people carry it on, but that it ought to be adopted in the interests of the public. That prohibition party do not believe that any small number of their fellow-countrymen should have the special privilege of making money by the sale of intoxicating liquor—that is to say, the liquor which produces the drunkenness so much deplored among their fellow-countrymen. I now come

to the third class, the Regulation party, which, I suppose, embraces the bulk of the hon. Members of this House. I can only say that they have had their trials. They have been trying regulation for years and years past, and yet what is the state of things going on in the country in spite of all they have done? We have had the wisdom of Parliament applied in this direction over and over again. I am afraid to say how many hundreds of Acts of Parliament there are regulating this traffic; and we have been harder at work at it of late years than ever. The late Liberal Government, the strongest we have had for many years, tried their hands at it, and most of us will remember the hot July in which we came here night after night and went into elaborate details about the Licensing Bill. That Bill has only been in force two years, and then in comes the strongest and best Tory Government we have ever had, and they have set to work to improve the law on the subject. We have had all our best Statesmen at it every Parliament for years past, and I think I am justified in saying that the regulation system is still not nearly as perfect as they wished it to be. I now come to my Amendment of the licensing system, which I will explain as well as I am able to the House. I think I can make a tolerable defence for it; but I will state how it was met not long since by a friend of mine who sympathized with me, and thought well of the Bill, but who said, "I do not think your Bill is quite practicable." I asked—"What do you object to in my Bill? What is there that is not practicable?" He replied—"I do not like the permissive part of it." I explained my reasons for thinking the permissive part of it good, and asked—"Is there anything else you object to?" "Well," he said, "I do not like the prohibitory part." I will now say why the Bill is called prohibitory, and permissive, and why I like it on both accounts. Sir, the general law is prohibitory. We live under a Maine law in this country, with certain exceptions, which I will explain. The State has said for generations past, "This trade is not safe; it is injurious to the morals, the order, and happiness of the community, and must be stopped." But in process of time exceptions have grown up, and the State has said—"We will allow the

magistrates to licence certain people to carry on this trade. We think that this will mitigate the evil, and that the trade, instead of being a curse, as the general law admits it to be, will become a blessing;" and magistrates are now permitted to grant these licences. Well, by my Permissive Bill, all I propose is that the people may be permitted to have a voice in the matter as well as the magistrates,—that the magistrates should not be permitted to establish these places if the people say "We wish to put a veto on their establishment." In short, my object in drawing this Bill is to effect a maximum of benefit with a minimum of change. I find no fault with the magistrates' discretion, and I simply say, carry on your licensing operations anywhere, where the people do not object. Consider the character of the men who apply for licences, and consider the nature of the houses. Make your inquiries as you do now; but if it should happen that there is a place where the inhabitants say "We are better without these drinking shops; we shall be better if they are not established, and the people will be happier—they will save more money and there will be more order—then let the people state their will and do you act upon it." It is only in such places that I say the magistrates shall not grant a licence. In fact, my Bill ought not to be called a "Permissive Bill." It ought rather to be called a "Magistrates' Relief Bill." The granting of licences is the most invidious duty they have to perform, and I am most anxious that where the people are ready for it, the magistrate should be relieved from that painful duty. And here let me say that I have felt it my duty in these remarks to confine myself to the principle of the Bill, but allusion having been made to the clauses of the Bill, I am therefore bound to touch upon them, which otherwise I should not have done. Both my hon. Friends who have spoken, the Member for Leeds (Mr. Wheelhouse), and the Member for Rochester (Mr. Goldsmid), have thought it very hard that this proposal to do without public-houses should last for three years. They think that the people should be allowed every year to have their chance to reverse the vote on the magisterial grant. My answer is, that you have had trade regulation for genera-

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tions past, and that if the people want prohibition, surely three years is a period short enough to give any fair trial. My hon. Friend, the Member for Leeds, who made so good-tempered and courteous a speech, and who evidently desires the benefit of the people, could not have been sincere in his deprecation of those who go to the magistrates when they are granting licences. He said the magistrates were assailed by a crowd of Good Templars, teetotalers, Permissive Bill people, and a lot of tag-rag and bob-tail of that sort. He did not use these very words, but what he said implied them. Surely, as the magistrates are empowered to grant licences for the good of the people, it is only a matter of common courtesy and common right that the people should be allowed to go to the magistrates on the subject of those licences. They go, now, as my hon. Friend states, and beg and pray that the licences may not be granted; and yet the magistrates grant them in spite of what the people say or require. Now, all I want is, that the magistrates shall have the power of informing themselves on the subject, and I think they would be glad to be so informed; but my hon. Friend thinks they would not. Magistrates have a very difficult task to perform in connection with licensing, and I make no complaint of the manner in which they exercise the powers with which they are invested. Sometimes, however, they go wrong. They are led away by feelings of affection for persons whom they have known, and very often put into public-houses old family butlers, who are not always persons of suitable character. A friend of mine told me he had had a character given him by a gentleman of a butler he was going to employ. That friend gave him a several years' character, and said that in that time, he had seen him sober once or twice. I wish to show that magistrates are sometimes unduly led away and induced to grant licences which are not wanted. Hon. Gentlemen may be aware of the efforts of a benevolent lady on behalf of the poor in the Kensington district. She set up one of those workmen's halls there, of which I approve highly, and the workmen were beginning to attend there in numbers and to improve themselves, when a publican immediately applied for a licence for a house close to the hall. All the respect-

able people in the neighbourhood got up a petition to the magistrates not to grant the licence, and the licence was refused. At the next licensing sessions in the following year, however, there was a "whip" of the magistrates, and they all came down and granted the licence. The public-house was set up, and it undid all the good the lady had been doing. That is surely a case in which the neighbourhood should have had a right to be consulted. Magistrates do not know the wants of localities, they cannot know them, and in licensing houses consequently they sometimes overdo it. In illustration of that statement, I may mention what has happened at Tarporley, in Lancashire, a small place of 1,000 inhabitants—the place where an individual was charged last winter with shooting a man at the feast. A paper I have received on the subject states that on walking down the street of which the village consists there are four houses next to each other for the sale of intoxicating liquors. Three of them are public-houses, and the fourth is a grocer's shop. Well, I think that is over-doing it. There is an excuse for it, however, as all the four houses belong to a good landlord—the Dean and Chapter of Chester Cathedral—and the parish clerk keeps one of them. Still, it would have been better if the people could have been allowed to say whether they wanted those houses or not. I have another instance to mention. A man applied for a licence before the licensing bench at Dungannon. The magistrates looked into the matter, and the man produced a letter from Lord Charlton, three months old, as evidence of his respectability and fitness. The licence was granted, and immediately afterwards there came to the magistrates a telegram stating circumstances which showed that the licence should not have been granted. They then sent for the man, and he was found at a public-house having some refreshment on the strength of his good fortune. He was brought before the bench, who cancelled the licence, but three months' afterwards granted it again. That shows that the magistrates are not the best judges of what is needful for a district, and I think things would go on much more smoothly and more satisfactorily if the people were allowed to have a voice in the all-important matter of licensing. If hon.

Gentlemen who oppose the Bill say that the interests of the dealers in drink ought to be considered before that of the public, then I have no more to say; but if you hold that their licences are to be granted for the benefit of the people, surely there can be no better tribunal than the people themselves to say whether they want them or not. In urging that proposition on the House, I am not advocating anything impracticable, as my hon. Friend the Member for Rochester said in referring to the Bill. We know that this prohibition has answered wherever it has been tried. There are hundreds of parishes in England at the present moment which are without public-houses, and they are all the better for it; and in Ireland I know of hundreds of parishes which are notoriously thankful for the public-houses having been swept away. In Scotland, where there are the fewest public-houses, there is the least drunkenness; and where you have more you have increased drunkenness. My Bill is not intended to run counter to anybody; if it were passed to-morrow, there would be lots and lots of places where the people would not be inclined for years to put the Act in force. I quite admit that. For instance, would the people of this House ever sweep away the bar beyond that door? Certainly not. This Bill, however, is not intended for this House, but only for those places which my right hon. Friend the Member for Birmingham alluded to in one of his recent speeches—where the public opinion is ready to carry out the law. Now, my hon. Friends always talk about America. Why cannot they talk about their own country? I have given instances of places where prohibition was doing some good in England, but they do not talk of them; they do not talk of Saltaire, where there are no public-houses; they always go to America, and when they go to America they go wrongly. Massachusetts seems to be the battle-horse to-day, at all events with the hon. Gentlemen who have spoken, and anyone who heard their speeches might imagine the Permissive Bill was in operation in Massachusetts. Nothing of the sort. It is the Maine Law which is in operation there, and I agree with them that that law is a dead letter, unless you have public opinion and a police force to support it.

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That is the very reason which has induced me to bring in my Bill in a permissive form; because I have watched these things narrowly, and I know that when legislation is in advance of public opinion, and you have an Executive which is unable and unwilling to carry it out, you bring about absurdities which have been described to-day. The Americans are now learning that fact, because in the Western States, and in some other States, they are adapting their legislation, and instead of having the law general and imperious, they are making it permissive in many States of the Union, with the very best results so far, as has already been shown. Then, I am told my Bill will not work; but if so, what harm will be done? I admit that the Bill, if passed, would not be adopted in all places, and I confess that it would not in many places be acted upon; but why is it that we have this bitter opposition to the measure coming from those who are interested in the drinking trade, if, as is said, it would not hurt them? [Mr. GOLDSMID said, that he was not interested in the drinking trade.] I did not say my hon. Friend was in the drinking trade. He does not look like it; but he happens to be allied with that trade on this occasion, and he cannot deny that the great opposition to the Bill comes from those who are carrying on the drinking trade. Why do they oppose it? If it will be a dead letter, it will not stop the sale of a single glass of drink. But you know as well as I do that the real thing they dread is the Permissive Bill. They feel that this is looming in the distance. I am told again, that this is a Bill that will only affect the poor. I am quite willing, if that be the case, to leave it to the poor, and to move when the Bill is in Committee, if ever it gets there, to restrict the franchise by saying that no man with more than a certain amount of money shall be allowed to vote. I will lower my franchise, and exclude all rich men; and I am quite sure the measure will be generally put in force a great deal quicker if that course is adopted. There was a suggestive remark made by Mr. Robertson Gladstone before the Committee on public-houses some years ago. He was asked—"How would free trade do in Liverpool?" and he replied—"Oh, not at all; they would establish public-houses in the

same streets occupied by the magistrates and the rich people." There is a world of meaning in that remark. The licensing system is kept up to send these places among the poor, and to protect the rich gentlemen from them. In that very town of Liverpool there was not long since an inquiry by the corporation into a sanitary matter, and the Commissioner pointedly described one street in which, he said, there was not a house in it which had not at least one drunkard, and he added that if the people in that street had their own way, they would almost unanimously sweep away all the drinking-shops in the neighbourhood. Let me hear no more, then, about the poor man. The House of Commons knows as well as I do that I speak far more for him than for anyone else. The hon. Member for Rochester said to-day, that no man of distinction or eminence had taken part in advocating this measure. I will not contradict him. I know the agitation has been confined to the poor and to the working men, and that is the very reason why I take more interest in it.

MR. GOLDSMID: I desire to correct the hon. Baronet. What I said was, that no man of distinction or eminence in this House has ever supported the Bill except the hon. Baronet himself.

SIR WILFRID LAWSON: Well, I will now give the House a fact which will interest them, and which I know to be true, it having been corroborated by my hon. Friend the Member for Morpeth (Mr. Burt.) There was a village called Seghill, in the north, near Newcastle-on-Tyne, where drinking prevailed. Two public-houses were in that village, and they belonged to certain colliery proprietors, who, being benevolent men, felt a wish to do away with them; but they were also anxious to do nothing that could be considered tyrannical, unjust, unfair, or unpleasant to the pitmen. So they put it to those pitmen whether they would have the houses removed or not. The pitmen voted with alacrity, and decided by an immense majority, including the votes of the drunken people, that the public-houses should be removed. It would have been rather hard on a place like that that the public-houses should have been allowed to ruin the neighbourhood against the wish of the men themselves. That is one slight detail; but there is another

nearer home. Recently, in the case of the Shaftesbury Park Estate, which is managed by working men, some rules and arrangements were drawn up for the management of the estate, and the working men themselves unanimously decided that they would not have a public-house in their neighbourhood. It may be said that the enterprising publican has a right to establish a public-house; but surely the people who live in the district are entitled to have a voice in the matter, and to say—"you shall not settle down in this neighbourhood to ruin its working people." The Shaftesbury Park Estate has made out its case, and a very strong case it is too. It is said that my Bill will only be put into force in localities where the people are already sober, and where, consequently, it will not be wanted; but I say that that is not the object of my Bill. It is not aimed at those who make money by the sale of drink. We believe that if we had this measure, one place would follow the example of another. If it failed, of course the measure would be blown upon, and other districts would not adopt the system; but, if it answered, place after place would adopt it, and thus a reform of the existing state of things would be brought about. It is like the case of the Betting Bill. We passed a Betting Bill for this country, and cleared the betting houses out of England, and then they went to Scotland; but the evil there grew to be so intolerable that my hon. Friend the Member for Glasgow (Mr. Anderson) recently brought in a Bill to clear them out of Scotland; and I saw in *The Times* the other day that they have gone to Paris, though the correspondent added that they would soon clear them out of Paris too. In the same way we should clear the public-houses out of one district after another, if the people liked; and, if not, things would go on just as they are. One hon. Gentleman has tried to show that this is a teetotal scheme, one essentially connected with teetotalism. I do not think it requires a man to be a teetotaler to see the evils and the poverty and crime caused by public-houses. If it is only teetotalers who can see that, they must be very superior to those who drink; but no man in his senses can avoid seeing it. Teetotalers are a good sort of people, and I do not see why they should be laughed

at so much. In being teetotalers, they are so either to benefit themselves, or to give a good example to their neighbours—both very good objects. As to one observation which fell from the hon. Member for Rochester, I object to talking about the private habits of Members of this House at all. I do not talk of what he eats and drinks, but he does talk of what I eat and drink.

MR. GOLDSMID: I beg pardon. I never said a word about what the hon. Baronet eats or drinks. What I said was that I did not wish to invade the privacies of domestic life; but I had been informed by a friend of his that anyone who had the good fortune to go into his hospitable home would also have the good fortune to get everything good in the shape of eating and drinking.

SIR WILFRID LAWSON: Well, we are not discussing private houses; we are discussing public-houses. I do not not advocate the Bill on behalf of teetotalers. They are not perfect any more than other people. I know a teetotaler who keeps a public-house, and he keeps it very badly too. I have heard also of the captain of a ship who found that a great number of the men on board got drunk, and, on making inquiry, he found further that there were a lot of teetotalers in the ship, who sold their grog to the other men. Thereupon the captain changed his system. He had been flogging the drunken men for a good while; but when he made this discovery, he turned round and flogged the teetotalers. Now, Sir, I do not think I am one to toady the working man. All my life I have tried to steer clear of that most disgusting offence. I think the working man is just as full of fault and folly in his life as anyone else, and so I have told him at public meetings; but I do not think he is used very well in this House on all occasions. He is very often treated as the Uriah the Hittite of politics. He is put into the front rank and made to do all the fighting, and he gets very little reward. What I ask for him now is, only that you will let him alone—that you will not insist upon having in his midst these places which do him injury. You talk about this Bill being unconstitutional, though we have not had much of that argument to-day; but if it be unconstitutional in this country to benefit the poor, how is it in many of our colonies

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abroad? Surely our working men are as much to be trusted when they are at home as they are when they go to the colonies? All I ask is, that you should not hurt the working man with temptation to excess when he does not want it, and I claim the vote of the hon. and learned Member for the City of Oxford, who is always talking about grandmotherly legislation on the ground that we should not treat these men as babies and children, who do not know anything of their own interests. I hope I shall see that hon. and learned Gentleman in the Lobby with me this evening. One more point. This Bill is not antagonistic to anybody's licensing scheme. Ever since I have had the honour of being here I have made a point of supporting, to the best of my ability, every Bill brought forward which tended to restrict drinking habits, from whatever side of the House it came; and I say that it is only fair that people who support my measure out-of-doors should have a chance of making a trial of that which they have been considering. You talk in this House of settling the question. How many questions have I seen settled in a short time, and how many questions have I seen unsettled again? I have seen the Reform question settled. I have seen the Irish Church question settled. I have seen the Irish land question settled. You can settle no question permanently unless you settle it on the grounds of truth and justice. It appears to me that this House is in an extraordinary position just now. I do not think we can look back upon the last week or two and feel that we have been voting in a very dignified manner. Fancy one of the first Assemblies in the world sitting up till 2 o'clock in the morning to fight about an hour or half-an-hour more for the opening or closing of public-houses. Fancy our squabbling as to whether a *bona fide* traveller shall go three or four miles to get drunk on Sunday. Fancy our absolutely discussing, as an hon. Friend of mine did last night, whether it is better for a man to drink hot or cold spirits and water; and our winding up the evening by attempting to decide whether the magistrates shall put down public-houses in populous or in thinly peopled districts. It strikes me that we have been making ourselves rather ridiculous, and that it would be much

better for us to do something effectual than to go on in the tinkering way that we are doing. I will not keep the House much longer. The Notice Paper to-day presents a rather unusual appearance, because not only did my hon. Friend the Member for Leeds (Mr. Wheelhouse) put down a Notice of Motion for the rejection of the Bill, but my hon. Friend the Member for Rochester (Mr. Goldsmid) did the same. I suppose each of them felt that alone he was unequal to the task. I was surprised that my hon. Friend the Member for Leeds thought it necessary to have such a strong ally to assist him, for I should have thought he could have done it easily himself. Some time ago I read a capital speech that the hon. Member made at a dinner of the Yorkshire Brewers' Association. Those gentlemen held high festival in Leeds last February, and my hon. Friend, who delights to be present on such occasions, was there. My hon. Friend told them that "he was not a man to be despised." He "told them honestly that he did not think he was wrong. He might not be always right, but whether he was right or wrong he was, generally speaking, so nearly right in his views, and in the expression of the views which he advocated, that very few men had been found to answer him with effect." Well, I am very glad that the House has given both my hon. Friends an attentive hearing, and I am equally obliged to it for having listened to my attempt to answer one whom it is so difficult to reply to. Now, Sir, I will not detain the House any longer. I leave the Bill on your hands to be dealt with by you as you may think best. But I will just allude to what took place last year in connection with this subject, and I will do so without treading on anyone's toes if I can help it. In previous years my Bill used to be brought forward on a Wednesday, and I do not think one great party whip was made against it. But last year, it seemed good to the Gentlemen who managed matters on the Liberal side of the House to make a strong whip against me. The two sides joined together on that occasion, and the result was, that my Bill was sent to the right-about by a larger majority than ever threw it out before. Now, I do not think that was done with a good motive. I only wish, however, to point out that in a party point of view

it did not tend to the advantage of hon. Gentlemen who now sit on this side of the House. I think the result of the Elections rather unpleasantly revealed that. I would warn hon. Gentlemen on the other side not to take the foolish course which was adopted last year. I hope the Government will leave this question an open one among their supporters. I hope they will not make a whip against me, but leave everyone at liberty to vote as he pleases. I have a claim to ask the Gentlemen who are in power to give me their assistance. They have been placed in power, as we all know very well, by the vote of working men, and are justly proud of having been placed there in that manner. I ask them most respectfully to trust the men who have trusted them. I ask them by supporting this Bill to give to those working men, in common with the inhabitants of this country generally, power in their own localities to protect themselves and their families against the greatest foe to public order, social happiness, and national prosperity that exists amongst us.

MR. GRANTHAM said, he had great pleasure in thanking the hon. Baronet the Member for Carlisle for the able and interesting speech which he had just delivered. If, however, the hon. Gentleman, and those who acted with him, intended to rely on the effect of that speech for the votes of new Members, he (Mr. Grantham) was afraid that he was trusting to a broken reed, for although the speech was as able and as interesting as any that had been delivered in that House during the present Session, there was scarcely one argument in it which would induce anyone who came fresh to the question to support the second reading of the Bill. In his speech, the hon. Baronet had told them many things which were true, and many things which were new; but unfortunately those which were true were not new, and, certainly, many of those that were new were not true. He had told them that there was a great deal of drunkenness in the country, and that drunkenness was a vice and a crime; and he (Mr. Grantham), so far, quite agreed with him. But surely there were other things which were vices and crimes besides drunkenness, with regard to which no such measure as was now proposed had been adopted, or even suggested. Years ago, there was a great

deal of horse and sheep stealing in the country, but because of that did they put down the sale of horses or the keeping of sheep? No. They adopted less restrictive measures than had previously prevailed, and that was found to be the best antidote to the constant recurrence of horse and sheep stealing. Because the streets were sometimes infested with pickpockets, were the public to be prevented from wearing watches or carrying anything valuable in their pockets? And yet that was the argument the hon. Baronet had used that day. He was glad the hon. Gentleman had not followed the plan adopted by the hon. Member for Glasgow (Dr. Cameron) who preceded him, and who, in regaining his seat, ventured to assume that he had answered everything that had been said against the Bill. He (Mr. Grantham) failed to find one single answer or sound argument in that speech. Fortunately the hon. Member for Carlisle did not venture to make the same remark in reply to the able speech of the hon. and learned Member for Sheffield (Mr. Roebuck), and unless there was a good answer to that able speech, that throughout the length and breadth of the land turmoil and strife would be created by the introduction of this Bill, that House had no right to pass a Bill which would cause such annoyance and discomfort throughout the country. The hon. Baronet the Member for Carlisle had said that public-houses were established to induce people to drink, and also that magistrates had permissive power at the present time, and could permit a house to be established or prohibit it, as the case might be. He (Mr. Grantham) ventured to submit that both those propositions were untrue. Public-houses were not established to induce people to drink. They were established for the sale of what might be called "goods," in the same way that a baker's or butcher's shop was established for the sale of the commodities commonly sold in those shops; and the duty the magistrates had to perform was to see that there was a sufficient number of these shops, called public-houses, for the sale of spirituous liquors, or what were called intoxicating drinks, in the various districts over which they presided. That was the first duty the magistrates had, and they had no permissive power to exclude public-houses from any district

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whatever. It was true there might be the word "may" in any Act which empowered magistrates to act on this question; but there was scarcely an hon. Member in that House who did not know that where the word "may" was used in the statutes in cases of this kind it had the same effect as "shall." That being so, wherever there was a necessity shown for the establishment of public-houses the magistrates had no option in the matter, but were obliged to allow a licence to be granted to the proper applicant for it. But when they came to the question of the excessive use of that power, he believed that the magistrates exercised the greatest discretion to prevent more houses being established than were wanted in districts from which the applications were made. His hon. Friend the Member for Carlisle had referred to various parts of England, and had also taken them from Sweden to America, to Scotland, and to Ireland, but he failed to grapple with the arguments which had been adduced that day. He seemed to forget that there was a great difference between the present day, when they were arguing upon his Bill, and the period when he first introduced it many years ago. At that time the magistrates did not exercise the power of refusing licences in the way they did now. No doubt, years ago public-houses were established much more frequently than they were required; but he ventured to say that the hon. Baronet might refer to all the records of the magistrates' courts throughout this country, and he would find that in consequence of the legislation of the last few years the magistrates were now acting in a different way from that in which they acted before. They took the greatest pains to see that no new house was licensed, unless an actual requirement was shown for it in the district; and if that were so, he did not see the use of those instances to which his hon. Friend referred when he brought forward the cuttings from various newspapers to show that in certain districts there were more houses than were required. Take the case of the village in Northumberland referred to by the hon. Baronet, where seven to one of the population were opposed to granting licences, and yet the magistrates granted licences for the sale of intoxicating drinks. He thought that in such a case the magis-

trates would, in accordance with the wishes of the people, refuse the licence unless a necessity for it had been proved, so that in this respect the hon. Baronet must have been misinformed. Why, so unwilling were magistrates as a rule to grant new licences, that 19 out of 20 applications for them were refused. If the Bill were passed, what would be the effect? Local strife and animosity would be engendered in every district where it came into operation until it was repealed. The teetotalers and Good Templars would be at constant war with the minority who suffered from the restriction, or with the majority who would not allow restriction. As to the number of Petitions in favour of the Bill, no true inference could be drawn from that, as they did not spontaneously emanate from the people; but they were sent down from London for signatures from some central organization, and were circulated by paid agitators. The school boards had caused great agitation, but this would cause more, because, while with them, there was only a question of principle involved which only a few people knew much about, this Bill affected the whole community individually and personally; it touched the tastes, feelings, and wishes of every man in the country. The two-thirds of the inhabitants of the district who imposed the restriction would every day be in conflict with the one-third to whom they had dictated. As to America, the restrictive system there was a failure. A friend of his, a barrister, who had attained the degree of a D.C.L., and entitled to be called doctor, was travelling with another friend in a district where the Maine Law was in operation, and both wishing for brandy and water, the former, on arriving at the hotel, said he was a doctor, and had ordered his friend some stimulant. They were at once told to go into the tea-room down stairs, where they found a room full of people taking not tea, but *cognac*. Soon after, a waiter looked into the room, and said that an invalid gentleman had just arrived, and, hearing there was a doctor in the hotel, wished to consult him, and was outside the room. Before my friend could make up his mind what to say, the invalid introduced himself into the room, and imagine the astonishment of the D.C.L., on seeing the Judge of Assize, before whom he had been, and before whom he was again going to practise.

He need scarcely add that the only medicine required by the invalid was that which had been previously prescribed for the other occupants of the room. So much for the American system. The hon. Baronet's measure was altogether impracticable, and he (Mr. Grantham) would therefore oppose it.

MR. MACDONALD said, he quite agreed with the hon. and learned Member for Sheffield (Mr. Roebuck), that in too many instances, drunkenness was not looked upon by working men with that detestation that it should be; but he was happy to tell the House that owing to the influences of education, a very great change had come over the feelings and habits of a large portion of the working men of the country during the last 15 or 20 years. He believed the hon. and learned Member had not had an opportunity of mingling with those men as he (Mr. Macdonald) had had, and therefore that it was not his intention to say anything against the men. What he had stated arose from a want of knowledge of the true facts. He (Mr. Macdonald) had no hesitation in saying that a large proportion of the working men of this country looked upon the crime of drunkenness with quite as much distaste as hon. Members within the walls of that House did. And now as regarded the Bill itself. If it proposed to destroy the use of intoxicating liquors altogether, or to prohibit them in such a way that it would be almost impossible for drinkers to reach them, he should hesitate very strongly before he opposed such a measure, considering the amount of misery, crime, and poverty which was produced by intoxicating liquors. But the Bill did nothing of the kind. It did not attempt to destroy the drinking customs of the people, but it simply changed them from one place to another. If the Bill passed, the effect would be to drive public-houses and spirit shops from one district into another, and he demurred to the right of one portion of the community to drive an evil from their own midst into the midst of another portion of the community. They had seen that exemplified in what had occurred in Scotland. In that country there was a law which prohibited the sale of strong drinks on Sundays, unless in the hotels. The result of that law was, that persons who desired to have strong drink travelled considerable distances to hotels,

where they could be served as travellers. He spoke from experience, when he said that those who could not get drink in their own district went into others where they could obtain it. He also strongly objected to the Bill on another ground. It would lead the working men, and those who desired drink, to carry it home and consume it in their own dwellings. Now, of all things which he feared and deprecated, it was the driving of the working men, or other classes, to private drinking, or drinking in their own houses, where they could be seen by the children and the females of the household. Reference had been made to the Maine Liquor Law, and he could say from experience that it was a failure. The persons in the places where the sale of liquor was prohibited simply passed over the boundary line, where they could procure everything they wanted in enormous quantities, just the same as they could do in Scotland. ["No, no!"] He repeated that he was stating matters founded upon personal observation. No amount of repressive laws would change the habits and tastes of the great body of the people. If that House would give its attention to getting for the people more comfortable homes, securing for them greater facilities for visiting museums of Art and Science, and if they would lead the people upward by education of that description, he had no doubt they would produce infinitely more effect in a shorter period than by all the Bills which could be introduced either for restraining or regulating the drinking customs of the country. He strongly opposed the measure.

MR. SULLIVAN: There never was yet a reformer who was not told that he had begun at the wrong end. If he be an educationalist, he is told to trust to religious influences. If he attempt to deal with religious difficulties, he is told to provide the people with Sabbath recreation. If he attempt to provide Sabbath recreation, he is abjured to provide better homes. If he endeavour to provide better homes, he is told that if drink enters there all efforts are vain. It seems to me that most of this discussion on the part of hon. Gentlemen who have spoken against the Bill has been wide of the mark, and that hon. Members who have spoken against the Bill are in the most illogical position. I have not heard one who has manfully faced

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the logical conclusions of his argument. If, for instance, the Japanese Ambassador had been in the gallery and heard the arguments of the hon. Members for Leeds and Rochester, and nothing more, he might have returned to Japan and abjured the people of that country to pass no laws for restricting the sale of drink, because in the House of Commons he had been told that the direst evils would flow from any attempt to prevent a man from obtaining as much drink as he required. That is the logical position of the hon. Member for Leeds. Will he face the position which he creates by his own argument? He spoke of the dreadful evils which would accrue to human life through a man needing a glass of brandy and not having it at hand; but all these evils that present themselves to his mind as too dreadful to contemplate seem to be no evils at all at 31 minutes past 11. If the evil be an evil at all, it is none the less for existing after the statutory hour for the closing of public-houses. Am I to listen to the pitiful case made for the man who wants his glass of beer, while hon. Members who paint the danger refuse to liberate the trade from its restraints? There is no logical resting-place between Free Trade in alcoholic drink and committing its regulation to the community for whose benefit it is pretended it ought to exist. I challenge hon. Members to show me a sure resting-place between these two positions. Either the trade has a right to exist at 31 minutes past 11 as well as 29 minutes past, or it has not. If I am to be told that the interests of society, peace, good order, morality, and the safety of the community demand that the trade should not be free, but should be regulated in order to meet the requirements of the community, what, I ask, is to be the measure or standard by which we can ascertain what the requirements of the community are? Now, every speech made here to-day against the Bill of the hon. Baronet the Member for Carlisle has been one against the vice of intemperance; and I for one have not the slightest desire to enter into the difficulties which surround such an enterprise as that in which the hon. Member is leading the party of the future; but this vice of intemperance is an evil to which no eye can be closed, and I would ask what is the testimony upon which this House usually legislates upon any other ques-

tion? If you concern yourselves with the necessity for legislating for the repression of crime, will you not take the testimony of the Judges of the land; will you not take the testimony of all who are independent and who interest themselves in the well-being of the community at large? Will you not take the experience of the police authorities, of clergymen of all denominations, and of those philanthropists who have no personal interest to serve, and who sacrifice every other consideration to public principle? These classes say that society is permeated with a dreadful poison, but I will not stop to discuss the fact that it is extremely difficult to deal with the evil. It is an evil which has descended to us from bygone generations, and which, no doubt, in the minds of many, has been looked upon in itself as a harmless and agreeable social custom. The evil is entwined in the social and domestic life of the nation; it has grown up out of the hospitable usages of society; and therefore it is that I feel if we desire to see another generation grow up more free than we are from the evils of this habit, we must set to work at once and stamp it out. Such a change, however, must be cautiously approached, and the existing state of things tenderly dealt with. I can perfectly understand that any attempt to limit the drinking customs of this country in the high-handed and wholesale manner suggested by the hon. Member for Stafford (Mr. Macdonald) will fail. He will vote against the Bill because it does not go far enough; because it does not, in an arbitrary and unconstitutional manner, invade the domestic circle, search the cupboard of the working man, pry into the jar contained in the poor man's home, and see whether or not they contain alcoholic drink. That is what I understand to be the proposition of the hon. Member for Stafford.

MR. MACDONALD: I beg to correct the hon. Gentleman. I did not wish to apply my remarks to the working man, but to the entire community, and have not spoken exceptionally of the working man.

MR. SULLIVAN: I did not mean to say that the hon. Gentleman had done so—["Oh!"]—and I abide by what I did say. If the hon. Member proposes a penal law of this kind forbidding alcoholic drinks upon any premises, that, I maintain, involves an invasion of the do-

mestic circle, and will excite such a storm of indignation that the hon. Member will be utterly unable to withstand, and yet it is because the Bill does not go to that length that the hon. Member will oppose it. I shall be curious to see how those who say the Bill does not go far enough and those who declare it goes too far will agree in the same Lobby. I consider that hon. Members who have spoken have failed to grapple fairly with the question before the House, because not a single argument has been adduced against the Bill of the hon. Member for Carlisle which could not as fairly be adduced against the licensing system. Now let us deal fairly with the facts of the present system; let us look at a district, whether large or small, where the prohibitory system exists. Take, for instance, the City of Dublin. We have the prohibitory system in existence in Merrion Square. No public-house is allowed to exist in that district, simply because the inhabitants are opposed to them. But suppose Merrion Square to be inhabited by working men, and they desired to be free from temptation, would their votes be attended to? The opponents of this measure seem to me to proceed on the most illogical assumption that any minority in the land, no matter how small, has a moral right to have as many public-houses in a district as they choose. They also say that the system of prohibition is one which is foreign to this country; and that if it applied in one district, it would not apply to another, which would enable people still to obtain drink; but it does not strike them that while some people will go three miles to obtain it, others would not travel half a mile for a similar purpose. The question will not bear arguing upon sound, logical principles, between free trade on the one hand, or prohibition, if the people think fit, on the other. We have heard a great deal about the terrible evils that would ensue if the Bill passed, but a great change of this description is always to bring on the Deluge. Hon. Members have also endeavoured to amuse us by stating how the laws would be evaded. I see nothing amusing in that; and if laws are not to be passed, because they will be evaded, I would ask the House to look at the great metropolis and say how many Acts of Parliament exist which are not set at defiance. We have passed Acts of Parliament to put

down adulteration; yet everyone knows that in almost every article adulteration, more or less, exists. These arguments will not hold for a single moment. And, now, I have a word or two to say on the subject of America, about which a great deal has been said. I know a little about that country, and I would remind hon. Members that in dealing with the United States they must not look at it as though they were dealing with a single country, because the interests are as varied as are those of France, Austria, and England. In the case of America, we have to deal with an aggregated number of States, which are as different in their organization as can possibly be conceived. It is true that in some parts the Maine Liquor Law has been tried, and that is a measure against which I would vote as long as I had the privilege of doing so. The permissive prohibitory principle is, however, rapidly advancing in the country, because it is better suited to the circumstances of the case. It is at the same time true that it has failed in certain districts; but the reason is, that if we attempt to force the measure on a district, the opinion of which is not in its favour, it will fail. We must not attempt to go before public opinion, because if we do legislation will be a failure. But we have no right to lag behind that opinion, and a measure which allows each district to regulate the liquor traffic, and to say what it requires for its own convenience, cannot fail to work well. Public opinion must go before and prepare the way for the adoption of such a scheme, and if it is successfully adopted, my experience is that the results are so satisfactory that no effort will be made to resort to the original plan. The hon. Member for Stafford tells us he has been to America. So have I; and I challenge him to tell me of any place, whether under the banner of England or the Stars and Stripes, where the permissive principle has been adopted by the voice of the community, and where subsequently the privilege has been surrendered. In Australia, in British North America, and in the United States, that popular power has never been relinquished, and why should we in England deny the people a voice in what concerns them so intimately? Hon. Gentlemen spoke of these public-houses as though they were an absolute necessity of human life; but I will mention a country which is not so

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far off as Illinois or Iowa, in which prohibition has been tried, and I will tell the House what the result of that trial has been, because one experiment is worth ten thousand conjectures. In my own country, in the county of Tyrone, over 60 square miles, upon which 10,000 people live, have been for several years free from this traffic. It happened that a gentleman who owned an estate in that county was also the agent of other estates, and in these joint capacities he tried the experiment whether men—especially Irishmen—could do without places for the sale of intoxicating drink. He refused to grant any leases for public-houses, and in a few years after he had come to that determination, he had cleared from 60 to 65 square miles of all such establishments. For a time, I have no doubt, my countrymen must have very much missed their Saturday's enjoyment, and no doubt murmured at it; they missed their convivial clinking of glasses and customary cracking of heads. I am not informed on that subject, but after the system had been put into operation for a while the evils which previously existed disappeared; and, on the other hand, I can truly say that none of the calamities predicted by hon. Members who oppose the Bill have occurred, neither has the expected establishment of spirit-shops in the bordering districts taken place. It may be true, that for the first six months a number of the inhabitants of this district did walk to neighbouring villages to get their drink; but, as the distance was something like five miles, in the space of about 18 months, only one or two persons cared to walk that distance for it, and what does that prove but that hon. Members are arguing upon a totally false assumption? The experiment has shown that by removing temptation from the path of the people, you would soon find results similar to those which took place in the county of Tyrone. Not 2 per cent of the population would care to walk five miles to obtain drink. It may be said that that was a rural district; and I admit it. Hon. Members might argue that it would not work in a town population, but I believe that it would work in towns just as well as in rural districts. I have also had experience of this. In Ireland there is a town called Beesbrook, with a population of over 4,000 inhabitants, and there never has been a public-house in it. The proprietor of that town from

the beginning refused to allow drinking shops. He told the people that they might walk to Newry—that is some four or five miles—if they wished to buy liquor. The consequence was, that at first the drunkards did walk to Newry; but latterly a generation has grown up which cares nothing for drink, and as a result, the face of a policeman is nearly unknown at Beesbrook. But what are the fiscal results of the experiment in Beesbrook and Tyrone? The police barracks were removed from the Tyrone district, because they were useless, and not a single policeman exists on the territory, nor have they ever had a policeman in Beesbrook; whilst the rates in the Tyrone district have come down from an average of 2s. to 9d. and 10d. in the pound. Is not this an answer to the mere anticipations we have heard indulged in? I trust, when I have said this, that the House will consider I have contributed something substantial to the argument, and I would ask hon. Members to watch the course followed in relation to this question wherever new communities are established. I know several instances in which territories have been secured for colonization by men who have had no philanthropic desire—men who have no care for temperance, and who, as a simple matter of business sagacity, had arrived at the conclusion that the value of the estate would be enhanced by founding it on the principles of prohibition. There are two or three such colonies in British North America, and one in the State of New Jersey, and the true solution of the difficulty is to treat existing social usages and existing financial interests tenderly, and to give a chance for a new generation to grow up under a different state of affairs. We are every day committing ourselves more and more to the sound principle of local option, and we shall do well to trust the people in this question, with the conviction that the working classes will do better by any moral reformation they may effect for themselves than by anything that is forced upon them by the upper classes.

MR. D. DAVIES: I shall not go outside my own experience in what I have to say; but I have the advantage of knowing as much about the working classes as any hon. Member in this House. I feel the difficulty which the hon. Member for Leeds (Mr. Wheelhouse) put us in in interfering with this question, but

I well know the effect of the present system. I have several times seen very excellent men killed in consequence of the habit of drunkenness, and I have been very nearly killed several times myself. But the Bill now before the House does not propose to kill anyone. Now, I wish to call the hon. Member's attention to another point in his speech. He said that it was not the business of the publican to push his trade. But I know a dozen cases where there would be no trade at all at the public-house, unless the landlord converted sober men into drinking men. I hope if I succeed in proving that to his satisfaction, that we shall be able to number him among our converts. Now, between 1859 and 1867, I made myself 170 miles of railway, and considering who I was, I think the House will agree with me that they were gigantic works for me to perform. I had many difficulties to encounter, but the heaviest of them all was, the number of public-houses that we came upon in making those railways. Those railways were constructed partly into and partly through seven counties, and I will give you my experience of the working men employed upon them. I have been rather amused since I have been in this House at the remarks of some hon. Members who profess to be so anxious to take care of the interests of the working men. They object to any interference with the liberty of the working classes, and contend that the Bill amounts to an interference. But how much beer does a working man want? I can tell the House that during the nine years I was making those railways, not 15 per cent of my men took a glass of beer once in a month. If beer was of such great importance to the working man, would he not want more than one glass a month? But when men drank, they quarrelled in their drink, and sometimes they killed their partners, sometimes they killed themselves, and sometimes they nearly killed me—for I have been very nearly killed three or four times. Those hon. Gentlemen who are so careful about working men getting their beer, appear to forget how little nutriment they can get for their money. There are hon. Gentlemen here who represent counties in which men are now fighting for 14s. a-week wages; and if these men succeed in getting their 14s. a-week, how much can they afford to spend in beer? and how much nutriment will be

got out of that which he does consume?

We will assume for a moment that the beer has been "cooked" in the best possible way it can be—that is to say, that the very most has been got out of it, what is there that remains for the working man? We must see what it is the Government takes out of it, what the maltster takes out of it, what the brewer, and what the publican, and then we shall see that there is not much over left for the working man. How much then does he get for his 1*d.* or 2*d.*? I ask the House solemnly—you put it solemnly from the other side that the working man must have his beer, and cannot do without his beer—how much nutriment does the working man get out of his beer? If he had six glasses a-day for his sustenance instead of one, which is as much as he can afford out of his wages, he would not get much for his sustenance. It is said that the working man must have freedom to get his beer, otherwise he will not be able—physically—to earn his beef; but I do not think he will get much nourishment out of what he drinks to enable him to earn beef. I have the interest of the working men at heart. There is not one in this House who has the interest of the working men more at heart than I have. Last year I built 100 houses for working men, better houses than I was born in, and next year I hope to build 100 more. I am now engaged in working pits, and within seven yards of them there is a public-house which I cannot get rid of; and yet if any accident occurred in these pits in consequence of any of the men—and there are 600 or 700 of them working—having drunk too much, I should be held responsible under the present law, until I have proved that I was not guilty. I put it solemnly to this House whether that public-house ought to be allowed to remain there. As the matter stands, I must either stop the pits and throw the men out of work, or else stop the public-house, which is killing the men. ["Divide, divide!"] I regret that the Ministerial side of the House oppose my being heard on the question; but those who interrupt me know they have a very bad case, which will not bear analyzing, and therefore I leave it to their own consciences.

MR. O'LEARY, in opposing the second reading of the Bill said, the hon. Member for Louth had said that no public-houses were allowed in Merrion

Mr. D. Davis

Square. But those who inhabited that square did not want public-houses, for they had good cellars of their own, and besides, there was a complete *corona* of public-houses around it. The promoters of the Bill said that their object was to put an end to the abuse of alcohol. It should be remembered, however, that alcohol had its use as well as its abuse, and as a medical man, he maintained that it was against the liberty of the subject to pass a prohibitory Bill, and that Bill was nothing else. There was a real value in a glass of beer to the working man, which he would explain. The working man took bread and butter and cheese for his luncheon or dinner. Well, bread took half-an-hour to assimilate, cheese an hour and a half, and butter three-quarters of an hour. But the man was wearied after several hours' work, and required some stimulant to get up that force which would enable him to resume his labour at once, and that force was supplied by a glass of beer or a small quantity of alcohol in a diluted form. He opposed the Bill, because it would deprive the working man of that which he felt to be a necessity, and also because it would invade the rights, not only of the working man, but his own and those of other people.

MR. ASSHETON CROSS said, that after the long debate they had had upon the question he hoped that the House was now prepared to go to a division. He should himself not interpose to prevent that division for more than a few minutes. He also ventured to hope that when the question had been decided, as he trusted it soon would be decided, by the vote of the House, it would be regarded as settled, at all events for the remainder of that Parliament. He trusted it would be permitted to go to rest and that they would not have a question of that sort, which it was perfectly hopeless to expect to pass into a law, brought forward Session after Session after it had been thoroughly discussed and settled at the beginning of the Parliament, as he hoped and trusted it would be settled that afternoon. He would meet the hon. Member who introduced the Bill on his own grounds. The hon. Baronet recommended the Bill on two grounds, one because it was permissive, the other because it was prohibitory. These were the two great grounds on which he (Mr. Cross) entirely objected to the measure. He objected to it

strongly on the ground that it was permissive, because if the Preamble of the Bill were capable of being proved—and he held it was not—it would be the duty of the House to pass not a permissive, but a compulsory Bill. But he denied that the Preamble was proved, and on that ground he objected to the measure because it was prohibitory. The Preamble stated that the “common sale of intoxicating liquors was a fruitful source of crime;” but there was nothing in it whatever about the benefits derived from that sale, or the actual necessity of such liquors being sold to accommodate certain classes of Her Majesty’s subjects. He must also entirely differ from the hon. Member for Louth, who seemed to think there was no medium between the drunkard and the teetotal abstainer. He would say fearlessly that there was a vast number of persons in this country who not only enjoyed, but used and used properly the very liquors which it was the object of this Bill to stop the sale of; and there was nothing more tyrannical or absurd than to attempt to deprive persons of the rational and proper use of liquor for the sake of what he was persuaded must turn out in the long run a crotchet. The Bill stated that it was expedient to confer on the ratepayers the power of prohibiting the sale of liquors. But what right had any man, or body of men, as long as he did not interfere with public order or morality, to lay down for him a rule of life? Nothing could be more inexpedient, nothing could be conceived more likely to excite ill-will and provoke disputes and quarrels among neighbours than to give the majority of any town power to pass such a resolution as was contemplated by the Bill. But if unfortunately a power of this kind was given he thought those who would be disposed to pass a prohibitory resolution ought to have some compassion on their near neighbours, whose public-houses would swarm with people who in their own town or township were deprived of their proper food and the indulgence which they had found useful. He could not conceive a more gross violation of the laws of property than this Bill would practically enforce. The loss of property would be enormous, and if the hon. Baronet did really think in any town of this country to put an absolute stop to the sale of liquors, let him come forward and pro-

pose that if the ratepayers did pass any such resolution, they should compensate those who had been injured by it. And further the hon. Baronet should hesitate before he deprived the inhabitants of any town of the power for three or four years of abrogating this prohibitory resolution, even though they should be in that state of weariness and exhaustion from their work with the hon. Gentleman who had last spoken had described. Let him pause before refusing to allow them a small draught of methylated spirits to recruit their exhausted powers. He objected to the Bill because it was tyrannical and utterly unpractical, and because it would do more than anything else could to encourage breaches of the law in those places where it might be put in force. As he had said before, if the Preamble was proved, let Parliament with a high hand take the responsibility of acting on itself; but let it not do that which would involve places from one end of the country to another in endless disputes and promote discord more than anything else which could be proposed. He could assure the hon. Baronet that, like his Predecessor, he would give every opposition to the Bill.

Question put.

The House *divided*:—Ayes 75; Noes 301: Majority 226.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

AYES.

Allen, W. S.	Davies, R.
Archdale, W. H.	Dease, E.
Balfour, Sir G.	Dick, F.
Bazley, Sir T.	Dickson, T. A.
Biggar, J. G.	Downing, M ^c C.
Birley, H.	Fordyce, W. D.
Brocklehurst, W. C.	Gourley, E. T.
Brogden, A.	Grieve, J. J.
Brown, A. H.	Havelock, Sir H.
Burt, T.	Holland, S.
Callender, W. R.	Hughes, W. B.
Cameron, C.	James, W. H.
Carter, R. M.	Johnston, W.
Chadwick, D.	Kinnaird, hon. A. F.
Chaine, J.	Laing, S.
Close, M. C.	Leith, J. F.
Cole, H. T.	Lealie, J.
Conyngham, Lord F.	Lewis, C. E.
Corry, J. P.	Lloyd, M.
Cowen, J.	Macgregor, D.
Dalway, M. R.	Mackintosh, C. F.
Davies, D.	M ^c Arthur, A.

M'Arthur, W.
M'Combie, W.
M'Laren, D.
Meldon, C. H.
Monck, Sir A. E.
Moore, A.
Morgan, G. O.
Mundella, A. J.
Noel, E.
O'Clery, K.
O'Loughlen, rt. hon. Sir
C. M.
O'Neill, hon. E.
Potter, T. B.
Reed, E. J.
Reid, R.
Richard, H.
Richardson, T.

Shirley, S. E.
Sinclair, Sir J. G. T.
Smith, E.
Smyth, R.
Stuart, Colonel
Trevelyan, G. O.
Trevor, Lord A. E. Hill-
Verner, E. W.
Wallace, Sir R.
Whalley, G. H.
Whitwell, J.
Whitworth, W.
Wilson, C.
Young, A. W.

TELLERS.

Lawson, Sir W.
Sullivan, A. M.

NOES.

Adam, rt. hon. W. P.
Adderley, rt. hn. Sir C.
Agnew, R. V.
Allen, Major
Allsopp, S. C.
Anderson, G.
Arkwright, A. P.
Arkwright, F.
Arkwright, R.
Ashbury, J. L.
Assheton, R.
Baggallay, Sir R.
Bagge, Sir W.
Bailey, Sir J. R.
Ball, rt. hon. J. T.
Baring, T. C.
Barrington, Viscount
Barttelot, Colonel
Bass, A.
Bass, M. T.
Bates, E.
Beaumont, W. B.
Bentinck, G. C.
Benyon, R.
Beresford, Colonel M.
Bolckow, H. W. F.
Boord, T. W.
Booth, Sir R. G.
Bourke, hon. R.
Bousfield, Major
Bowyer, Sir G.
Bright, R.
Brise, Colonel R.
Broadley, W. H. H.
Brooks, rt. hon. M.
Brooks, W. C.
Bruce, hon. T.
Bruen, H.
Brymer, W. E.
Bulwer, J. R.
Campbell, C.
Cartwright, F.
Cartwright, W. C.
Cave, rt. hon. S.
Cave, T.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Chapman, J.
Charley, W. T.
Childers, rt. hon. H.
Christie, W. L.
Clifford, C. C.
Clive, Col. hon. G. W.
Clive, G.
Cobbett, J. M.
Cobbold, J. P.
Cochrane, A. D. W. R. B.
Cole, Col. hon. H. A.
Colebrooke, Sir T. E.
Collins, E.
Conolly, T.
Coope, O. E.
Corbett, Colonel
Corbett, J.
Cordeas, T.
Cowan, J.
Cowper, hon. H. F.
Cross, rt. hon. R. A.
Cubitt, G.
Cunninghame, Sir W.
Cust, H. C.
Dalkaith, Earl of
Dalrymple, C.
Davenport, W. B.
Denison, C. B.
Dilke, Sir C. W.
Dodson, rt. hon. J. G.
Douglas, Sir G.
Dowdeswell, W. E.
Dundas, J. C.
Dyke, W. H.
Dyott, Colonel R.
Earp, T.
Edmonstone, Admiral
Sir W.
Egerton, hon. A. F.
Egerton, Adm. hon. F.
Egerton, Sir P. G.
Egerton, hon. W.
Elliot, Admiral
Errington, G.
Ealington, Lord
Estcourt, G. B.
Evans, T. W.
Ewing, A. O.
Fawcett, H.
Feilden, H. M.
FitzGerald, rt. hn. Sir S.
Fitzmaurice, Lord E.
Fitzwilliam, hon. C.
W. W.
Floyer, J.
Foljambe, F. J. S.
Folkestone, Viscount

Forster, Sir C.
Forster, rt. hon. W. E.
Forsyth, W.
Freshfield, C. K.
Gallway, Sir W. P.
Galway, Viscount
Gardner, J. T. Agg-
Gardner, R. Richard-
son-
Garnier, J. C.
Goddard, A. L.
Goldney, G.
Gordon, rt. hon. E. S.
Gordon, W.
Gore, J. R. O.
Gower, hon. E. F. L.
Grantham, W.
Greenall, G.
Greene, E.
Gregory, G. B.
Grey, Earl de
Gurney, rt. hon. R.
Hall, A. W.
Halsey, T. F.
Hamilton, Lord G.
Hamond, C. F.
Hanbury, R. W.
Hankey, T.
Harcourt, Sir W. V.
Hardcastle, E.
Hardy, rt. hon. G.
Hay, rt. hn. Sir J. C. D.
Heath, R.
Helmale, Viscount
Hermon, E.
Hervey, Lord A. H.
Hervey, Lord F.
Heygate, W. U.
Hick, J.
Hildyard, T. B. T.
Hill, T. R.
Hodgson, K. D.
Hodgson, W. N.
Hogg, Sir J. M.
Holford, J. P. G.
Holker, J.
Holms, J.
Holms, W.
Holt, J. M.
Hood, Capt. hn. A. W.
A. N.
Hope, A. J. B. B.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hubbard, E.
Isaac, S.
Jackson, H. M.
Jervis, Colonel
Johnson, J. G.
Johnstone, H.
Johnstone, Sir H.
Jones, J.
Karatlake, Sir J.
Kennard, Colonel
Kennaway, Sir J. H.
Kingscote, Colonel
Knatchbull-Hugessen,
rt. hon. E.
Knight, F. W.
Knightley, Sir R.
Knowles, T.
Lacon, Sir E. H. K.
Laird, J.

Lawrence, Sir J. C.
Learnmonth, A.
Lee, Major V.
Lefevre, G. J. S.
Legard, Sir C.
Leigh, Lt.-Col. E.
Lennox, Lord H. G.
Lindsay, Col. R. L.
Lloyd, S.
Lloyd, T. E.
Locke, J.
Lowther, hon. W.
Macartney, J. W. E.
Macdonald, A.
Macduff, Viscount
Mahon, Viscount
Majendie, L. A.
Makins, Colonel
Manners, rt. hn. Lord J.
March, Earl of
Marten, A. G.
Massey, rt. hon. W. N.
Mellor, T. W.
Milles, hon. G. W.
Mills, A.
Mills, Sir C. H.
Mitchell, T. A.
Montgomery, R.
Morgan, hon. F.
Morgan, hon. Major
Mulholland, J.
Muncaster, Lord
Munts, P. H.
Naghten, A. R.
Newdegate, C. N.
Noel, rt. hon. G. J.
North, Colonel
Northcote, rt. hon. Sir
S. H.
O'Gorman, P.
O'Leary, W.
Onslow, D.
Palk, Sir L.
Parker, Lt.-Col. W.
Pateshall, E.
Peel, A. W.
Pell, A.
Pemberton, E. L.
Peploe, Major
Perceval, C. G.
Phipps, P.
Pim, Captain B.
Portman, hon. W. H. B.
Powell, W.
Power, R.
Præd, H. B.
Price, Captain
Puleston, J. H.
Raikes, H. C.
Ramsay, J.
Read, C. S.
Rendlesham, Lord
Ridley, M. W.
Ripley, H. W.
Ritchie, C. T.
Roebuck, J. A.
Russell, Lord A.
St. Aubyn, Sir J.
Salt, T.
Samuda, J. D'A.
Sanderson, T. K.
Sandford, G. M. W.
Sandon, Viscount

Solater-Booth, rt. hon. G.	Taylor, P. A.
Scott, Lord H.	Tennant, R.
Scott, M. D.	Tollemache, W. F.
Scourfield, J. H.	Torr, J.
Seely, C.	Tremayne, J.
Selwin - Ibbetson, Sir	Turner, C.
H. J.	Turnor, E.
Shaw, W.	Vance, J.
Sheridan, H. B.	Wait, W. K.
Sherriff, A. C.	Walker, T. E.
Shute, General	Walter, J.
Sidebottom, T. H.	Waterhouse, S.
Simon, Mr. Serjeant	Waguelin, T. M.
Smith, A.	Welby, W. E.
Smith, F. C.	Wells, E.
Smith, S. G.	Wethered, T. O.
Smith, W. H.	Whitbread, S.
Smollett, P. B.	Whitelaw, A.
Somersett, Lord H. R. C.	Williams, Sir F. M.
Spinks, Mr. Serjeant	Williams, W.
Stanford, V. F. Benett-	Wilmot, Sir H.
Stanhope, hon. E.	Wilmot, Sir J. E.
Stanhope, W. T. W. S.	Wilson, Sir M.
Stanley, hon. F.	Wolff, Sir H. D.
Stansfeld, rt. hon. J.	Wynn, C. W. W.
Starkey, L. R.	Yeaman, J.
Starkie, J. P. C.	Yorke, J. R.
Steere, L.	
Swanston, A.	TELLERS.
Talbot, J. G.	Goldsmid, J.
Taylor, D.	Wheelhouse, W. S. J.

RABBITS BILL—[BILL 100.]

(*Mr. Pell, Sir Wyndham Anstruther, Mr. Walsh, Mr. Montgomerie.*)

SECOND READING.

Order for Second Reading read.

MR. PELL, in moving that the Bill be now read a second time, said, it was in the main a declaratory Bill, and referred only to the pursuit or trespass on land for rabbits during the day time, and did not at all meddle with night poaching. The Amendment he proposed would bestow as severe a punishment on the poacher as any awarded by the old law, and the owner of cultivated lands would be at least in as good a position as he was before. There was nothing in the Bill to prevent the setting aside of grounds suitable for the breeding of these creatures if it was the desire of the owner; and if he did so, he would receive a protection of a higher order, accompanied with penalties for breach of the law of a more serious character than any contained in the Game Laws proper, and those laws he let alone. He had introduced this Bill as an honest endeavour to get rid of a difficult question, and if it were carried it would at once dispose of that question. It would take the rabbits out of the Game Laws, create a law of trespass to protect the

owner from persons who went in pursuit of these animals, and it would do that without interfering with the law of contract between landlord and tenant. When the Bill got into Committee he would propose that the penalties for trespass in pursuit of rabbits during the day should be increased from 5s., as named in the Bill, to 10s. for the first offence, and 40s. for second offences. The fines would be recoverable by the occupier of the land. The provisions of the Bill followed the recommendations of the Select Committee, and his great object in proposing it, as he had said, was to disentangle the game question of rabbits altogether, and to enact a law of trespass sufficient to protect the occupiers of land from injury arising from the pursuit of rabbits. The question of game might afterwards be more easily dealt with in a separate measure. The hon. Member concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Pell.*)

MR. M'COMBIE: I beg to move the rejection of the Bill. As I have been sent to this House to speak for the tenant-farmers, I hope the House will allow me to say a few words as to this Bill. Speaking for them, I must say that this is the most extraordinary, the most childish, the most insignificant, the most insulting to tenant-farmers of any Bill that has ever been introduced to this House. The former Government left our grievances as they found them, and if this is a specimen of what we may expect from the other side of the House, we will undergo the same fate by the present Government. The tenant-farmers have never been represented in this House, nor will they be ever represented so long as they send the sons of Dukes, the sons of Lords, and large landed proprietors who wish to keep the power in their own hands, and have represented their own interests and not the interests of the tenant-farmers. If this should be denied, will any hon. Member point out any measure that has passed this House but what has been for the advantage of the proprietor, and not for the advantage of the tenant? I do not object to the sons of Dukes and Lords or large landed proprietors sitting in this House, if they would represent

the interests of their constituents, but they have represented their own interests. I do not object to the return of my young and noble Friend the Member for Morayshire. I rejoice at it; and why? because he has nailed his colours to the mast to redress the grievances of the tenant-farmers. Why do the tenant-farmers send Members here who misrepresent them? Because they are afraid their proprietors may not renew their leases. But if tenant-farmers would only throw off the yoke of bondage as we have done in Aberdeenshire, there would be no fear of getting a renewal of our leases. Why, Sir, the proprietors can have no choice; they must renew the leases, and to the very men who voted contrary, perhaps, to their political views, otherwise they would have no tenants at all. I trust the tenant-farmers in other counties will follow the example of Aberdeenshire, Forfarshire, Kincardineshire, Linlithgowshire, and Morayshire, and then, and not till then, will their grievances be redressed. No doubt, the late Government left our grievances as they found them, but we are now offered from the other side of the House this now famous Rabbit Bill—the only Bill. But will tenant-farmers accept it? I most emphatically, speaking for the tenant-farmers, say no. We can kill as many rabbits as we please at present, in spite of our landlords. We will have nothing to do with it. We throw it and all such insulting Bills to the four winds of heaven. I am not surprised at the result of the late elections in the counties in Scotland. I am only surprised that the Liberals have retained so many of them. There is one consolation to the tenant-farmers, that the present Government cannot do less for them than the former. They left the Game Laws as they found them; they left the Law of Hypothec as they found it; they gave us no assistance with the Labourers' Cottage Bill; but they saddled us with the gun tax, the shepherd's dog tax, the horse tax in driving materials to our roads, and even taxed the carts driving the old and infirm to Church. To that must be entirely attributed the defection of the Scotch counties, and not to the organization of the Tories. The poor tenant-farmers were sold by the late, and I fear will undergo the same fate with the present, Government. I often

Mr. M'Combie

told Members of the late Government of the feeling of the Scotch farmers against them; but they were deaf to my remonstrances. If they had listened to my advice, they would not have been sitting on the Opposition benches here to-day. If I could presume to tender advice to the present Government, if they wish to remain in office, I would say, totally abolish the Game Laws, do away with the Law of Hypothec, entail and primogeniture, gun tax, shepherd's dog tax, give security to the tenant for unexhausted manures, improvements, and necessary farm buildings. If our grievances are redressed, we do not care so much from what quarter it may come.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. M'Combie.*)

Question proposed, "That the word 'now' stand part of the Question."

GENERAL SIR GEORGE BALFOUR said, he also opposed the Bill, because it could not be accepted by the tenant-farmers of Scotland. They had long complained of their grievances, and as a Liberal he deeply regretted that the late Government did not attempt to deal with them. He was anxious to see the game grievance which the tenant-farmers of Scotland had so long, so earnestly, and with such fairness tried to remove, set at rest. It created ill-will between those who ought to be on friendly terms. It caused heart-burnings to all wealthy landlords selling game reared on the crops of farmers.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

APOTHECARIES LICENCES BILL.

Acts read; *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law with reference to the licensing and practice of Apothecaries, Chemists, and Druggists.

Resolution reported:—Bill *ordered* to be brought in by Mr. ERRINGTON, Mr. BLENNERHANNETT, and Mr. BUTT.

Bill *presented*, and read the first time. [Bill 155.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 18th June, 1874.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Four Courts Marshalsea (Dublin) * (107); Harbour of Colombo (Loan) (101); Local Government Board's Provisional Orders Confirmation (No. 4) * (97); Local Government Board's Provisional Orders Confirmation (No. 5) * (99); Revenue Officers Disabilities * (94); Powers Law Amendment (89).
Committee—Report—Local Government Provisional Orders (No. 2) * (92).
Report—Court of Judicature (Ireland) (98-121); Statute Law Revision * (77).
Third Reading—Infants Contracts * (80).

COURT OF JUDICATURE (IRELAND)
 BILL.—(Nos. 57-98-121.)
 (The Lord Chancellor.)

REPORT OF THE AMENDMENTS.

Amendments reported (according to Order.)

THE LORD CHANCELLOR said, he was about to propose some further Amendments which had been carefully considered, and which he would recommend their Lordships to adopt. The Government had given their careful consideration to a proposal made by a noble Earl (the Earl of Belmore) in Committee, that the jurisdiction of the Probate Court should be transferred to the Common Pleas Division of the High Court of Justice, and that the number of Divisions should be reduced from four to three. One of the grounds on which this proposal had been put forward was that contested cases of probate from the country might be more conveniently heard in the Common Pleas. But at present the Judge of the Court of Probate, when an inquiry in the country became necessary, had power to direct that it should be heard before the Judge of Assize. Then there was a good deal of non-contentious probate business which might be discharged by one Judge and not by several Judges. Under those circumstances, the Government had felt unable to adopt the Amendment suggested. But he had to propose new clauses, by which, when the number of Judges in the Common Pleas Division should have been reduced from four to three, the Lord Lieutenant in Council should be empowered to order that the fifth Division of the High Court should cease to exist, and should in that case

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transfer the Judge of the Court of Probate to the Common Pleas Division of the High Court of Justice; there to become a fourth Judge of that Court; but the Probate Judge after being so transferred should possess and exercise the same jurisdiction which he had possessed in the Court for Matrimonial Causes, and also his former jurisdiction in respect of non-contentious testamentary business: and he would propose a similar Amendment to enable the Lord Lieutenant in Council to transfer the Judge of the Court of Bankruptcy to the Exchequer Division of the High Court of Justice.

The Earl of BELMORE and Lord O'HAGAN expressed their satisfaction with the arrangements proposed.

Clauses *agreed to* and ordered to be inserted in the Bill.

Amendments made; an Amendment *moved*, and *negatived*.

Bill to be Read 3^d on *Monday* next; and Bill to be *printed* as amended (No. 121).

THE LORD CHANCELLOR then moved Clauses D. E. F. G. I. to come in after Clause 59, enabling the Lord Lieutenant, by Order in Council, to establish District Registries, from which writs of summons for the commencement of actions in the High Court of Justice might be issued, and other proceedings in such manner as may be prescribed to Rules of Court, be taken, down to and including entry for trial, or, where plaintiff is entitled to sign final judgment for non-appearance, down to and including final judgment. Also a Clause J. enabling the Court or Judge of Division to order that any books or documents, or any accounts taken or inquiries made, by the District Registrar; and in the result of any such accounts having been taken or inquiries made, the report in writing of the District Registrar as to the results may be acted upon by the Court, as to the Court shall seem fit.

Clauses *agreed to* and *added to* the Bill.

HARBOUR OF COLOMBO (LOAN)

BILL—(No. 101.)

(The Earl of Carnarvon.)

SECOND READING.

Order of the Day for the Second Reading, read.

D

THE EARL OF CARNARVON, in moving that the Bill be now read the second time, said, that as their Lordships were aware the mail steamers for India, China, and Australia, all touched at Ceylon. The harbour they had hitherto made use of there was that of Point de Galle, and arrangements had been made by his noble Friend opposite (the Earl of Kimberley) for the spending of a sum of money in the improvement of that harbour. Since then there had been an inquiry, the result of which was to show that the extent of the harbour of Galle was inadequate, that the currents were shifting and dangerous, that there were considerable swells there, and that it was studded and indented with rocks. One of these rocks was only discovered last year. Many wrecks had occurred there—indeed, there was scarcely a year in which there was not at least one. A very experienced captain said that he had never gone into the harbour of Galle without a sense of apprehension, and had never got out of it without a sense of relief. On the other hand, the harbour of Colombo was free from those drawbacks. There were no currents or dangerous swells there, and, moreover, Colombo was the terminus of a line of railway by which the produce of the island was brought down to the coast; and it was in other respects convenient for trade. Under these circumstances, it had been thought advisable to make Colombo the harbour of call in lieu of Galle, and the object of this Bill was to transfer to the former the loan made in favour of the latter. The Colony was prepared to spend £600,000 on the harbours, and the Treasury undertook to advance by way of loan a sum of £250,000 at 5 per cent, $3\frac{1}{2}$ of which was to be for interest and the remaining $1\frac{1}{2}$ to form a sinking fund for the repayment of the principal. The security of the Colony was quite a safe one. The revenues of the Island had rapidly advanced during the last three or four years, and there was a considerable balance of receipts over expenditure.

Moved, "That the Bill be now read 2^a."
—(The Earl of Carnarvon.)

THE EARL OF KIMBERLEY entirely concurred with his noble Friend in approving the object of the Bill; but his noble Friend had made a slight mis-

take in saying that the arrangements for the loan to Galle were made when he (the Earl of Kimberley) was at the Colonial Office. These arrangements had been made before his accession to office. He had however found that the expenditure would be so large and that the improvement of that harbour was beset with such difficulties, further inquiry was desirable. That inquiry had been made by competent engineers and the result was a report in favour of the harbour of Colombo. He agreed with his noble Friend that the security for the loan was sufficient. The Colony was acting with spirit in the matter and the advance by way of loan from this country was no more than ought to have been expected.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House To-morrow.

POWERS LAW AMENDMENT BILL.

(The Lord Selborne.)

(NO. 89.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD SELBORNE, in moving that the Bill be now read the second time, said, that as the law relating to powers stood formerly the person with power to appoint a fund among a certain number of persons was bound to appoint a substantial share to each. If he did not, his execution of the power might be set aside as illusory. In 1830, Lord St. Leonards induced Parliament to pass an Act providing that no execution of power should be set aside as illusory if anything whatever had been appointed unless it clearly appeared on the face of the power that the donor intended that a substantial share to each person should be appointed. Since the passing of that Act it had been held to be sufficient, in order to prevent the execution of such power from being set aside as illusory, to appoint a shilling or some other nominal sum to each of the objects; but if any of them were totally left out the execution of the power might still be set aside. Vice-Chancellor Hall had called his attention to the necessity of further legislation in the matter, and the object of this Bill was to provide that no appointment which should hereafter be made in exercise of any power should be invalid on the ground that any object of such

power had been altogether excluded; but every such appointment should be valid and effectual notwithstanding that any one or more of the objects should not thereby or in default of appointment take a share or shares of the property subject to such power.

THE LORD CHANCELLOR said, that the Bill was a curious illustration of the way in which legislation advanced in this country. Formerly the law held that no power had been duly executed unless every object of the power had a share in the appointment,—but did not require that the share given should be a substantial one. The exercise of many powers had been declared invalid on the ground that though no person within the power had been absolutely excluded, the share appointed had been merely illusory. Lord St. Leonard's Act made the appointment legal if the share apportioned was only one shilling. The present Bill would render unnecessary any longer to "cut off a man with a shilling." The provision of Lord St. Leonard's Act was itself illusory; and as this legislation was a step in advance he should not oppose the second reading.

Motion agreed to; Bill read 2^a accordingly and committed to a Committee of the Whole House on Monday next.

House adjourned at Six o'clock,
'till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 18th June, 1874.

MINUTES.]—SELECT COMMITTEE—Kitchen and Refreshment Rooms (House of Commons), Lord Kensington added.

PUBLIC BILLS—Ordered—First Reading—Shannon Navigation * [157].

First Reading—Gas and Water Orders Confirmation * [158]; Church Patronage (Scotland) * [159].

Second Reading—Juries (Ireland) * [163]; Colonial Attorneys Relief Act Amendment * [145]; Poor Law Guardians (Ireland) * [96], debate adjourned.

Committee—Municipal Privileges (Ireland) (re-comm.) * [119]—R.P.; Drainage and Improvement of Lands (Ireland) Act (1863) Amendment * [126]—R.P.; Working Men's Dwellings * [22]—R.P.

Committee—Report—Drainage and Improvement of Lands (Ireland) Provisional Order * [131]; Conveyancing and Land Transfer (Scotland) (re-comm.) * [105 - 156]; Conjugal Rights (Scotland) Act Amendment * (re-comm.) * [147].

Considered as amended—Intoxicating Liquors [139], debate adjourned.

Third Reading—Canadian Stock (Stamp Duty on Transfers) * [133].

Withdrawn—Municipal Corporations (Disposition of Penalties) * [59]; Rabbits * [100].

NAVY—WHITWORTH ORDNANCE TRIALS.—QUESTION.

ADMIRAL EGERTON asked the First Lord of the Admiralty, Whether any communications have passed between the Admiralty and Sir Joseph Whitworth, relative to the trial of two pieces of ordnance lately constructed by him, and whether it is intended to carry out any experiments therewith?

MR. HUNT, in reply, said, that communications had passed between the Admiralty and Sir Joseph Whitworth upon the subject, and the Admiralty had decided not to accept his offer of a trial.

ARMY—LORD AYLESFORD AND THE WARWICKSHIRE YEOMANRY CAVALRY.—QUESTION.

SIR WILFRID LAWSON asked the Secretary of State for War, Whether he is aware that since he replied to the hon. Member for Swansea's (Mr. Dillwyn's) Question, touching the late disturbance at Leamington Station, Lord Aylesford has sent a written apology to the Great Western Railway Company for his "over zeal," and has also paid a sum of money to the railway servants with whom he came into collision; and, whether the Military authorities intend to take any further steps in the matter?

MR. GATHORNE HARDY: Yes, Sir, the hon. Member for Swansea was good enough to show me some correspondence, which I have no doubt is accurate, and from which it appears that Lord Aylesford has made an apology for his indiscretion, and that he has paid something to the railway officials with whom he came into collision; but it is not on account of his having made an apology that I think it necessary to take any further steps in connection with the military authorities.

ARMY—DUKE OF YORK'S SCHOOL—
FELTHAM SCHOOL.—QUESTION.

SIR CHARLES W. DILKE asked the Paymaster General, Whether it is true that boys of the Duke of York's School have been sent into the country lately to play a match against the boys of a Reformatory, and the boys from the Reformatory allowed to come to London to play a return match?

MR. STEPHEN CAVE: Sir, an eleven from the Duke of York's School went some time ago into the country, under the charge of the Commandant, to play a cricket match with an eleven from Feltham School, and were thoroughly beaten. I believe that a return match is in contemplation. But Feltham is an Industrial, not a Reformatory School, as mentioned in the Question of the hon. Baronet, the broad distinction between the two—a distinction pertinent to this Question—being that no lad can be taken into the Army or Navy from a Reformatory; whereas from Feltham last year 36 lads entered the Army and eight the Navy. With regard to the Feltham eleven, I understand that none have ever been convicted, and that they are equal in point of respectability to the ordinary run of boys in the Duke of York's School and to the recruits with whom these will have to associate when they enlist for service.

SIR CHARLES W. DILKE said, he would put a further Question on the subject.

CRIMINAL LAW—SENTENCE ON
WILLIAM VENABLES.—QUESTION.

MR. FORSYTH asked the Secretary of State for the Home Department, Whether it is true that last week, in the Police Court of Bolton, a man named William Venables was convicted of savagely, and without any provocation, kicking, with iron-shod clogs, a woman named Ellen Hindley and her baby, and was sentenced to only three months' imprisonment; and, if he can explain why the full punishment of six months' imprisonment was not inflicted?

MR. ASSHETON CROSS, in reply, said, he had made inquiries into the case referred to by the hon. Member, and found that the Question treated a great many things as facts which were not so. The communication which he had re-

ceived from the magistrates stated that, in their opinion, there had not been any savagery; that the provocation offered was very great; that the kicks upon Ellen Hindley were not of a serious nature, as they only caused mere discoloration of the skin; and that there was no evidence whatever that the child was kicked or injured besides an abrasion, which was not supposed to arise from a kick. Therefore, the magistrates did not inflict the full punishment of six months' imprisonment. He might remind his hon. Friend that, though he had the power of recommending a remission of punishment when it was considered too great, he had not the power, where magistrates had in their discretion ordered a particular punishment, of inflicting a severer sentence.

THE CUSTOMS—STATISTICAL DEPARTMENT.—QUESTION.

MR. C. E. LEWIS asked the Financial Secretary to the Treasury, Whether the Petition of Clerks in the Statistical Department of Her Majesty's Customs, presented some months ago to the Lords of the Treasury, has been referred to the Commission of Inquiry into the Civil Service; and, if not, whether there is any objection to such a course?

MR. W. H. SMITH, in reply, said, it was not thought desirable to refer the Petition in question to the Civil Service Inquiry Commission, as it related to cases of individual hardship, the Committee having been appointed to consider the organization of the service rather than such cases of hardship.

NAVY—H. M. S. "ABOUKIR."
QUESTION.

MR. ERNEST NOEL asked the First Lord of the Admiralty, Whether, it is true that in the month of November last the yellow fever broke out on board Her Majesty's Ship "Aboukir" at Port Royal, and that in a crew of two hundred and forty Europeans there were a hundred and twenty cases of the fever, twenty-one of which were fatal; whether the ship was then cleaned out and the crew sent to the North; that now orders have been despatched for their return to the "Aboukir" at a season when the fever is likely to break out again, and that this has been done in opposition to the opinion of the medical

authorities; whether this ship was surveyed and condemned twelve months ago, the officers who conducted the survey recommending, on sanitary grounds, that she should be either burnt or sunk; and, whether the Admiralty are in a position to send out any ship to replace her?

Mr. HUNT, in reply, said, reports of the outbreak of yellow fever on board the *Aboukir* were received at the Admiralty at the end of December last. Previous to the receipt of this intelligence a body of supernumeraries, numbering 140, had been sent to Jamaica *en route* to the Pacific Station. At the time of the outbreak, which was caused by a marine returning from leave—yellow fever being prevalent in the town of Kingston—there were about 283 officers and men on board. Besides cases of ordinary fever, 33 cases of yellow fever occurred, of which 21 in all were fatal, some of these being seamen living on shore as the Commodore's boat's crew. On receipt of the news of the outbreak of fever, orders were sent on the 1st of January last by telegraph to the Commodore at Jamaica to move the officers and men into barracks or tents on shore, and, if necessary, to charter a ship to take the sick to Halifax or Bermuda. Previous, however, to the receipt of these orders, the Commodore had considered it expedient to embark the officers and men of the *Aboukir* on board Her Majesty's Ships *Sphinx*, *Niobe*, and *Seagull*, and to send them to the northern division of the station. The Commodore also adopted vigorous measures for cleansing, fumigating, and ventilating the ship, and on the return on the 27th of April of the *Sphinx* with the regular crew of the *Aboukir*, the supernumeraries having gone on to their destination, he was of opinion that they might without danger be re-embarked in their own ship, in which opinion the Deputy Inspector of Hospitals concurred. No order, however, for their re-embarkation had been sent from England. At the end of May the Commodore reported that, although objections had been offered by the new Deputy Inspector General of Hospitals and the Staff Surgeon of the ship to the re-embarkation of the crew, which had been carried out with the concurrence of the previous Deputy Inspector, he was of opinion that there was no danger of a

fresh outbreak; but that the vessel was not permanently fit for a receiving ship, and that fresh cases of fever might occur at the unhealthy season of the year. After due consideration of this Report, it was decided to prepare Her Majesty's Ship *Urgent* with the utmost despatch to take the place of the *Aboukir*, and instructions were sent by the last mail to the Commodore, in case of any fresh outbreak, to remove the crew to quarters on shore, and to employ native seamen, who were not so susceptible of infection, as far as possible on the duties of the ship. The ship was surveyed in March, 1873, was reported unfit to go to sea, and the surveying officers recommended that as soon as relieved she should be sold. In a subsequent Report of the 10th of May, 1873, she was reported to be healthy and sweet.

ARMY—PAY OF COLONELS OF CAVALRY—WARRANT OF 1863.

QUESTION.

GENERAL SHUTE asked the Secretary of State for War, Whether he will, with a view to its remedy, consider the injustice done to the superior officers of the Cavalry by a late warrant reducing the pay of a Colonel of a Cavalry Regiment to that of one of Infantry; whether his attention has been called to the fact, that although these officers received the difference between Cavalry and Infantry when they retired on half pay, yet that they had for many years been losing the interest of and risking with their lives very much larger sums on their commissions than officers of corresponding rank in the Infantry; and, whether he is aware that when Mr. Sydney Herbert equalized the prices of Army Commissions, he, for the above and other reasons, did not think it right to reduce the emoluments of Cavalry Colonels?

Mr. GATHORNE HARDY: Sir, my attention has been called by the Question put to me by the gallant General to the Warrant to which he has referred. Up to 1860 the price of Cavalry Commissions was much higher than that of Infantry Commissions, but it was then equalized by Mr. Sidney Herbert. The rates of pay were also higher than in the Infantry. When Mr. Herbert equalized the price of Army Commissions, he proposed, and had the assent of the Horse Guards to the propositions,

first that Cavalry Officers who had exchanged to Infantry or with a half-pay Infantry Officer and received the difference should not, as previously, be required to repay the difference before they could be appointed Colonels of Cavalry Regiments, but that in lieu of such repayment they should only receive the pay of an Infantry Colonelcy on appointment to a Cavalry Regiment as Colonel; secondly, that those who had paid the old Cavalry rate for their Field Officers' Commissions should be allowed the Cavalry rate of Colonel's pay; thirdly that those who had not paid the old rates should receive Infantry rates of pay. To this third proposition the Horse Guards did not assent, and in consequence Mr. Herbert made a further proposal, with a view to the more speedy establishment of one rate of Colonels' pay, to pay from the Reserve Fund to Officers of Classes 2 and 3 any difference on the value of their Commissions to which they might be entitled. These intentions of Mr. Herbert were not carried into effect by Warrant, and, therefore, remained unfulfilled until the Warrant of last year was issued.

GENERAL SHUTE gave Notice that, in consequence of the Answer given by the right hon. Gentleman, and as the case deeply affected the vested rights and interests of Cavalry officers, he should on an early day call the attention of the House to the whole subject.

CHANCERY COURTS (IRELAND)—THE ACCOUNTANT GENERAL'S OFFICE. QUESTION.

MR. O'NEILL asked Mr. Attorney General for Ireland, If he will explain to the House why the Office of the Accountant General of the Court of Chancery, Ireland, should be closed for the purpose of making up accounts from the first of August till the second of November, during which time no one can receive dividends due on money lodged in this Court, while in England the office of the Accountant General of the Court of Chancery is kept open for the payment of dividends during the whole year?

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) in reply, said, that he was not aware whether the offices referred to were closed during as long a time as was mentioned in the Question

of the hon. Member. It was proposed, however, by the Judicature Bill for Ireland to take power to deal with all matters of the kind, and to make rules both for the Courts and the Offices connected with them. It was, therefore, not necessary to pursue the question further at present.

LICENSING SYSTEM (SCOTLAND)—A ROYAL COMMISSION.—QUESTION.

MR. CAMPBELL - BANNERMAN asked the Secretary of State for the Home Department, Whether he has been rightly understood as having said that, owing to urgent representations which had been made to Her Majesty's Government, it was intended to appoint a Royal Commission to inquire into the Licensing System in Scotland; and, if so, whether he will state from whom those representations proceeded?

MR. ASSHETON CROSS: No; I have never said, that I am aware of, that "urgent representations" had been made to me to grant this Commission. I have said many representations have been made to me, and so they have. I have received several deputations in regard to the Bill of the hon. Baronet (Sir Robert Anstruther), and a great number of gentlemen who have come upon that matter have asked the Government to issue a Royal Commission on this question; but I have never given any opinion upon it, nor have I laid the matter before the Government.

UNION BOUNDARIES IN IRELAND. QUESTION.

MR. MOORE asked the Chief Secretary for Ireland, If he will state the reasons why the townlands of Kilmanahan and Kilnamack West, distant from Clonmel Union Work-house two and a half miles, were severed from that union and added to Clogheen Union, being distant from the latter union work-house nine and a half miles; whether there is any sufficient reason for causing the paupers to travel nine and a half miles to a workhouse where they are unknown, whilst there is one within two and a half miles; whether the Report of the Poor Law Inspector, when desired to investigate the matter, was favourable to the continued severance of those townlands or otherwise; and whe-

Mr. Gathorne Hardy

ther the Government intend to take any action in the matter?

SIR MICHAEL HICKS-BEACH, in reply, said, the arrangement to which the hon. Gentleman referred was made in 1849 by the Boundaries Commissioners. It was made on various grounds, one of which was that the townlands in question belonged to the proprietor of a considerable portion of the rest of the union to which they were annexed. The arrangement having lasted for so long a time it would be very inconvenient to alter it, especially as regarded the registry of births, deaths, and marriages. An inquiry, however, had been made by one of the Inspectors attached to the Local Government Board to whom the ratepayers made a statement strongly in favour of retaining the present arrangement. The Local Government Board did not therefore contemplate any alteration of the existing state of things; but he would inquire further as to the necessity or otherwise of taking any action.

INTOXICATING LIQUORS BILL.

[BILLS 83-139.]

Mr. Baikes, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson, Mr. Chancellor of the Exchequer.)

CONSIDERATIONS.

Bill, as amended, *further considered.*

Amendment, in page 1, line 24, words left out.

Question again proposed,

"That the words 'in a populous place, as defined by this Act' be inserted, instead of the omitted words 'parish which containing twenty-five thousand inhabitants or more.'—(*Mr. Asketon Cross.*)

MR. KNATCHBULL-HUGESSEN said, that the hour of closing had now been fixed for 12.30 in the metropolis, and he understood the object of the words now proposed by the Government to be that the hour should be 11 in town districts, and 10 in those districts which might be properly called "country." The places to which the 11 o'clock hour would apply, were to be settled by the licensing justices. There was nothing to prevent them from determining that any place was sufficiently "populous" to deserve the application of the 11 o'clock hour. It could not, therefore, be denied that a discretion, however limited, was given to the justices. But

he had understood the Government and the majority of the House clearly to declare against giving discretion to the justices. If so—let them be consistent. They were in difficulty about definitions—why not do away with definitions altogether, and make the hour of closing in the metropolis 12.30, and 11 in the rest of the country. That arrangement would remove any discretion in the magistrates, but power could be given to the Secretary of State for the Home Department to make certain local arrangements wherever he thought proper. What would be the practical result of such a plan? In the towns and large villages, and in every place where there was a public demand for it, the houses would be kept open until 11, and where there was no business to be done and no demand they would close earlier. In this Bill they had already dealt with the working men, and indeed with all the community, as if they were children, unable to take care of themselves, and now they were saying to the licensing justices—"We gave you a discretion in 1872, and such is the way you have used it, that we shall now take it away from you." If this was the real opinion of the House, let them be consistent, and draw the line as he proposed. As to the words "populous place," he believed the justices would be able to interpret them, though they would do so in different ways, and according to what they believed places required without much reference to population.

MR. WHEELHOUSE said, he believed the proposed hour in the Bill would cause considerable inconvenience in many parts of the country. Now, there was a great thoroughfare between Leeds and Harrogate, and a large inn or public-house at a place called Harewood, which was clearly a house of call resorted to by great numbers of people going that way. If under the present regulation it was closed at 10 o'clock, the inconvenience to thousands would be very serious, and he hoped his right hon. Friend the Home Secretary would direct his attention to it.

SIR WILLIAM HARCOURT said, the right hon. Gentleman amended his proposed definition of a populous district, and removed some of the inconveniences that existed; but he did not define the method by which justices should ascertain and determine what a

"populous place" was. These magistrates would have to exercise a sort of judicial duty in deciding what were and what were not populous places within the meaning of the Act, and every village of considerable size would be making application to them to be placed on the 11 o'clock instead of the 10 o'clock list. Now, the House knew that there were in every village two parties; one of these would desire the later hour and the other the earlier. On the one side the right hon. Gentleman's friends, and on the other the clergyman the Dissenting minister, and the squire, would be bringing their influence to bear upon the magisterial bench, and whatever might be their decision, it was certain one or other of those parties would be dissatisfied; and thus they fell into the very difficulty of placing the magistrates in an invidious position, to escape from which was one object of the Bill. That was what would take place next September; but it would not stop there. It would occur every year; for they might rely upon it that a village which failed in its application one year, would be sure to make another application the following year, and in this way they would every autumn provide a large amount of litigation for the bench. It was not, however, only in reference to the villages themselves that this would occur. There was outside every village a margin between it and the open country, and the inhabitants of these outskirts would be constantly claiming to be included in a populous district. There was another inconvenience which was likely to arise. All those who were acquainted with the conduct of local self-government knew what a nuisance it was to have a variety of districts. They had already parishes and unions; police districts, sanitary districts, highway districts, and others; and they were now going to add to the confusion by creating a "liquor district," the boundaries of which would have to be reconsidered every year. There was this other inconvenience which would be sure to follow from the Amendment. The inhabitants of the scattered houses for a couple of miles round, who might wish to obtain intoxicating drinks, would throng into the populous places, and thus they would concentrate all the drunkenness of the surrounding country into those populous places, which could scarcely be said to

be advantageous to those places themselves. It, therefore, seemed to him to be an unsafe proposition. The House ought to see that it was throwing upon the magistrates more arduous duties than at present. The several parties in each district would be persistent in memorializing them. They would have to give their verdict, deciding between them, and they would always be sure of giving offence. These were, he thought, considerations worthy of the attention of the House and of Her Majesty's Government. The difficulties he had enumerated were inevitable, and they would have to throw upon Her Majesty's Government the responsibility of dealing with them.

MR. ASSHETON CROSS said, the right hon. Gentleman the Member for Sandwich (Mr. Knatchbull-Hugessen) had urged that it would obviate many difficulties if they closed every public-house outside of the metropolis at 11. That no doubt, would be a simple mode of cutting the Gordian Knot, and when he himself first took up that subject he had put that proposal in the Bill. But almost every Member on both sides of the House declared that it was a proposal which certainly could not be entertained, and it was only in deference to what he found to be the general feeling of the House that he was induced to withdraw what he individually still thought would be the proper way of solving that question, although he now knew it was impracticable. When he first made that proposal, he naturally expected to be backed up in it by the high authority of the right hon. Gentleman opposite, who now spoke so strongly in its favour; but unfortunately the right hon. Gentleman had reserved his advocacy of it until it was, he feared, too late. In defining a populous place it was his desire to secure the 11 o'clock hour to all those places which were practically, if not legally, towns; and he regretted the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt) had not, instead of occupying the time of the House with pointing out the difficulties in the way of the enactment, shown them some means of escaping from them. If he had taken that course the time of the House would have been more profitably employed. The hon. and learned Gentleman told them that the Government should accept

Sir William Harcourt

all the responsibility of the proposal, and he could assure him they were quite ready to do so, for it was his belief that the magistrates would not have the slightest difficulty in dealing with the matter.

MR. ASSHETON agreed with the hon. and learned Gentleman the Member for Oxford that considerable pressure would be brought to bear upon the magistrates; and therefore it was his intention at the proper time to move an Amendment making the County Licensing Committee, as created under the Act of 1872, the tribunal to decide what were and what were not populous places under the meaning of the Act.

MR. PEASE denied that the Amendment would place any more difficulties upon the magistrates than was the case at present. On the contrary, if it did anything, it limited those difficulties. This Bill had already taken away a good deal of the discretion of the magistrates, and he did not wish the Government to go further than it had done in that respect. He only hoped the right hon. Gentleman would adhere to his definition of populous places.

SIR EARDLEY WILMOT said, there were two important points on which he had pledged himself to his constituency. One was as to the hours of closing, and the other was as to the uniformity of those hours. There had been a cry for a division just now; but he did not think that, though so many Members had spoken, he ought to be prevented from expressing his opinion and that of his constituents upon what was after all one of the essential points in question. He said most unhesitatingly that the Bill of the Home Secretary, when it was introduced, met a public demand by taking away the discretionary power entrusted to magistrates by the Act of 1872 in fixing the hours of opening and closing public-houses. The abuse of that power had led to general and to deep dissatisfaction all over the country; and everybody understood that one principal object of the Bill introduced by the Government was to take away the discretionary power which had been so unwisely used and to fix the hours by Parliament itself. It was impossible that he could vote for the clause now before the House when he found that this important point was surrendered, and the magistrates were, under

a different form of words, to be re-vested with the objectionable powers given to them under the existing Act. Suggestions had been invited as to the best mode of dealing with the difficulties in country districts. If he were to offer a suggestion, it would be that the matter might be left to the decision of the rate-payers in vestry assembled to decide the question of hours; but, at all events, with his pledges to his constituency and his own strong convictions upon the subject, he could be no party to the proposal now before the House. He sincerely regretted that the first principle on which the Bill was based by the Government had not been adhered to. The Bill, as it came from the hands of the Home Secretary, had been so much altered that it was impossible for him to support the Amendment now proposed.

MR. CHILDERS said, they had two points of importance to deal with which had been mixed up in debate. One was the question of late hours in towns, and the other whether there should be a discretionary power of fixing 10 o'clock as the hour for closing not only in towns with less than a certain number of inhabitants, but in districts which might be dealt with as "populous places." The first question had been debated very fully the other night, and it might be assumed that a general agreement had been come to upon it. With respect to what constituted or should constitute a "populous place," he would suggest that the Amendment should at present be agreed to, and by the time they came to the Interpretation Clause, they might be able to agree upon, and to define strictly the meaning of the term "populous places" so as to narrow the discretionary power which many hon. Members thought so objectionable.

MR. LEEMAN earnestly hoped that the Home Secretary would not press the Amendment. It appeared to him to be utterly inconsistent with the principle of the Bill as he first introduced it to the House. Everybody understood that one of the main objects of the Bill was to take away the discretionary power entrusted to the magistrates by the Act of 1872—a power which, it was urged by the Government, had been so misused as to have called forth its condemnation in no measured terms. He voted with the Government on the introduction of the Bill, and had supported it hitherto upon

most of its main provisions; but he could not now stultify himself by voting for re-investing in the county justices the powers which had been vested in them by the Act of 1872, and which it was the avowed object of this Bill to take away. The Bill had already deprived the city and borough justices of all discretion. If they now gave the power to county magistrates to decide the hours in "populous places" they would, in effect, be handing over to them the control and regulation of two-thirds of the public-houses in the country. The results would be most unsatisfactory. Take, for instance, Yorkshire. The city he represented (York) had three benches of licensing magistrates immediately without its walls—the West Riding, the East Riding, and the North Riding. Each of these benches might come to a different decision as to the hours of closing. In one district it might be 11, another 10, and in a third 9 o'clock, and all these different hours enforced in places within two or three miles of each other. He could not conceive of anything more calculated to produce a sense of annoyance, discomfort, and discontent, especially when they considered that there were some thousands of licensing divisions over the Kingdom. One set of magistrates would decide one thing, and another set another. Some would be for keeping open till 11, some till 10, and there would be confusion complete. The Government had acted upon the principle that the magistrates should have no discretionary power as to hours; and he was quite sure they could not press and carry that Amendment without forfeiting the approval of the country which hitherto had been given to that measure, and without causing evils which they did not anticipate.

MR. HENLEY said, that as one of the unfortunate individuals who had to administer the law after it was passed, he could not form the least opinion as to what the Amendment meant. It said that a populous place should be defined as defined in the Act; but the Bill at present contained no definition of a populous place. That was one reason why the House ought again to go into Committee on the Bill. The only definition of a populous place which he could in any way make out was that it should be a place of 2,500 inhabitants. The

Mr. Leeman

Bill said nothing whatever as to area, or boundary, or anything else that was to be taken into consideration. The magistrates would have to grope their way through the clause without assistance, and there would be no hope of uniformity of decision. It was the duty of the House to lay down plain definitions which magistrates could not mistake. It was not fair of the Government to press such an Amendment on the House, and he, for one, could not accept it.

THE SOLICITOR GENERAL could not say that any such difficulty in understanding the meaning of the Amendment had occurred to his mind, though possibly there might be some difficulty in understanding what was the meaning of the term "populous place." The Amendment simply proposed to substitute in lieu of the word "parish" the term "populous place," and populous place was defined in the definition clause to mean any place which, by reason of the number or density of its inhabitants, the licensing justices might determine to be a populous place. There might be some difficulty in the definition; but the Government could hardly fix on a word to describe what was a populous place, and as some one must define it, the magistrates had been fixed upon by the Government as the parties most likely to know the wants of their districts, and so to make the definition which would give most satisfaction. There were precedents for the use of the phrase "populous place." It occurred in many Scotch Acts, and had not occasioned any difficulty. The right hon. Gentleman (Mr. Henley) had complained that there was nothing in the Act providing the means of ascertaining the population. That was quite true. The last Census would be useless for the purpose. But the number of the population must be ascertained in this case as it had been ascertained in other cases where such a term was used in other Bills.

SIR ROBERT ANSTRUTHER said, he thought the hon. and learned Gentleman the Solicitor General had not thrown much light upon the point under discussion. The contention of those who objected to the Amendment was that it might mean anything, seeing it was not defined in the definition clause. In his Bill "populous places"

was defined, and it was said that no new licences should be granted in such places in which the number of licensed houses at any time exceeded one such house to 700 of the population. There would be less fear of the clause if the right hon. Gentleman would say what populous place meant.

Question put, and *agreed to*.

Words *inserted*.

MR. ALFRED MARTEN moved, in Clause 2, page 1, lines 26 and 27, to leave out "one o'clock in the afternoon" and insert "half an hour after noon." The hon. Gentleman said, that the Bill as it then stood, proposed to enact that licensed houses throughout the country should not open on Sunday until 1 o'clock in the afternoon. That hour was probably not objectionable if regarded only as the opening hour for the metropolitan district. But elsewhere the adoption of that hour would occasion great inconvenience. Out of the 890 licensing districts in England and Wales, only 42 had adopted, under the Act of 1872, the hour of 1 P.M. as the hour of the first opening on Sunday. In the remaining 848 districts, including Cambridge, which he had the honour to represent, the opening hour on Sunday was 12.30 at noon. He proposed that that hour should be preserved by the Bill, so that in towns, and generally in country places, the first hour of opening would be half-an-hour after noon. He was informed that in those places 1 o'clock was the almost universal hour for dinner on Sunday among the important and numerous class of persons for whose accommodation licensed houses existed. Religious services on Sunday morning in the chapels generally ended at noon, or shortly after noon; and in the churches the morning services were generally over by 12.30. The bakers who baked the dinners for many who were likely to require the use of licensed houses, cleared their bakehouses at 12.45. The dinner beer at present was fetched before 1 o'clock, and the dinner commenced at 1. He trusted that the Government and the House would adopt the Amendment. He did not propose to increase the hours of opening. These hours in towns and country places would, according to his Amendments, be from half-an-hour after

noon to 2.30 in the afternoon, instead of from 1 to 3 o'clock in the afternoon.

Amendment proposed, in page 1, lines 26 and 27, to leave out the words "one o'clock in the afternoon," and insert the words "half an hour after noon,"—(*Mr. Alfred Marten*,)—instead thereof.

MR. ASSHETON CROSS said, the Amendment was merely a verbal one. The justices had the power to say what the exact time within certain limits should be, and the Amendment only altered the normal hour within which the houses could not be opened. Half-past 12 seemed to be the time that was most generally convenient.

Question, "That the words 'one o'clock in the afternoon' stand part of the Bill," put, and *negatived*.

MR. KNATCHBULL-HUGESSEN moved in Clause 2, page 2, line 4, to insert, "unless the licensing authority for any such town or parish shall declare that an extension of the hour of closing from 11 until 11.30 is desirable for the public convenience, in which case it shall be lawful for the said licensing authority to allow such extension." In so doing he referred to an observation of the Home Secretary, and said that if he had supposed he had required his advice and moral support, it should willingly have been given, but regarding him as the strong officer of a powerful Government and an united Party, he had not presumed to offer it. He saw no reason why the licensing justices should not be allowed to make a recommendation to the Secretary of State, which was different from giving them that absolute discretion against which the House had declared. It had been said that in his constituency there was a great deal of drunkenness, and statistics had been quoted by the Home Secretary to the effect that the cases in the town of Deal were 1 in 186. He wished to quote a short statement made by the Mayor of Deal, which would show the fallacy of legislating upon statistics. There were 43 cases given out of a population of 8,000, that was 1 in 186; but 28 out of these cases were Marines, seamen and non-residents, so that the actual number of cases from the real population of Deal was 15, or 1 in 533. Moreover, in this number of 15 was the case of one man who had

been six times before the magistrates, so that if he were got rid of, the real number of the cases was only 9, or 1 in 888. Seafaring and hardworking men were fond of a drop of beer, but he begged to say that his constituents were as sober as any in the country.

Amendment proposed,

In page 2, line 4, after the word "morning," to insert the words "unless the licensing authority for such town or parish shall declare to the Secretary of State that an extension of the hour of closing from eleven until half-past eleven is desirable for the public convenience, in which case it shall be lawful for the said Secretary of State to allow such extension, by writs under his hand."—(*Mr. Knatchbull-Hugessen.*)

Question proposed, "That those words be there inserted."

MR. SCOURFIELD supported the Amendment, and cited Dover as one of many towns where the arrival of late trains rendered it necessary that the public-houses should be open till 11.30. If the Home Secretary granted the Amendment, he would confer a great advantage on the public.

MR. ASSHETON CROSS said, he was sorry he could not possibly accept the Amendment. To do so would be to re-open all that the House had been deciding. With regard to passengers arriving at the termini of railways, if they were *bonâ fide* travellers they could obtain admission to the inns, and if not they could obtain what they wanted at the station refreshment-bar.

MR. FRESHFIELD supported the Amendment and said, he could not understand why the Home Secretary had given one hour more to London and one less to Dover. Dover needed the hour more than London, for London only needed it for pleasure, while Dover needed it for passengers who, of necessity, were travelling and in need of refreshment.

SIR GEORGE BOWYER observed, that the persons referred to might be travellers, but if the houses were shut up they would not be able to obtain refreshment. He contended that a hard-and-fast line ought not to be fixed, and that if the Government adopted one they would make themselves as unpopular as the late Government, and many persons who had voted for them at the last Election would not support them when they next went to the country.

Question put, and *negatived*.

Mr. Knatchbull-Hugessen

MR. ASSHETON CROSS moved to insert, in Clause 2, page 2, line 5, after "or," the words "the metropolitan police district or." In line 6, to leave out "parish," and insert "populous place."

Amendments agreed to.

MR. KNATCHBULL-HUGESSEN said, that after the decision the House had just come to, he could not allow his Amendment to be withdrawn without calling attention to the fact that now that they were about to close public-houses, except in populous places, it would be a great inconvenience, for it was not always in populous places that it was necessary that the hour should be later. It might happen that a public-house was near a railway station, or it might be it was used for various purposes for which it was most desirable that the hour should be later than 10 o'clock. It was no use pressing against the temper of the House such an Amendment as that of which he had given Notice; but there would be great practical inconvenience in a great many places unless there was some means by which the hour might be relaxed. He hoped his right hon. Friend would take this matter into his serious consideration, because it was not always in populous places where this extension of time was required. If he (*Mr. Knatchbull-Hugessen*) was not mistaken, the Returns obtained by the Home Office contained no evidence whatever in favour of closing public-houses in country places at 10 o'clock. The choice was given by the late Government between the hours of 10, 11, and 12, and the great majority of places fixed upon 11. Those who were legislating in that House must remember that they belonged to a class who did not frequent public-houses. It was not only the working classes, who were so constantly alluded to, but a great number of the middle classes who frequented these houses and used them in the same way that hon. Members used their clubs; and to close public-houses in the country arbitrarily at 10 o'clock would be inflicting an inconvenience of which they might expect to hear hereafter. He should therefore move the Amendment of which he had given Notice.

Amendment proposed,

In page 2, line 11, after the word "morning," to insert the words "unless the licensing authority for any such place shall declare to the Secretary of State that an extension of the hour of closing beyond the hour of ten is desirable for the public convenience, in which case it shall be lawful for the said Secretary of State to allow such extension for any time not later than eleven o'clock by writs under his hand."

—(Mr. Knatchbull-Hugessen.)

Question proposed, "That those words be there inserted."

MR. ASSHETON CROSS said, the right hon. Gentleman's observations were somewhat late, and if they had been made before they might have had some weight. They ought to have been made in 1872, when the right hon. Gentleman was a Member of the Government. His memory seemed rather to have failed him for the moment. If he would look back at the Bill introduced by the Government in the House of Lords, he would find that it was proposed in those days, doubtless after deliberate consideration, that the hour for closing should be 10 o'clock in the country. He (Mr. Cross) supposed the notion of the late Government as to the opinion and requirements of the people at that time varied considerably from what it was at the present moment. Their notion in those days was that in every town which had not a population of 10,000 inhabitants the public-houses should close at 10. All he (Mr. Cross) sought to do by the present Bill was to close public-houses at that hour in purely country villages. He thought it was rather late in the day for the right hon. Gentleman to get up and make this proposition at the present time.

MR. GREGORY said, that as he was not compromised by the action of the late Government, he might add his appeal to that of his right hon. Friend (Mr. Knatchbull-Hugessen), and ask for a further consideration of this matter. There was a large class of respectable persons besides *bond fide* travellers, who would find it very inconvenient to have all the country public-houses closed at 10 o'clock, and he trusted the Government would consent to the Amendment of his right hon. Friend.

Amendment, by leave, *withdrawn*.

MR. ALFRED MARTEN moved, in Clause 2, line 14, after "three," to insert "or half-past two, according as

the hour of opening shall be one o'clock in the afternoon, or half an hour after noon."

Amendment *agreed to*.

MR. ASSHETON CROSS moved in line 14, to leave out "seven" and insert "six." There was, he said, considerable discussion the other night as to whether the opening hour on Sunday evening should be 7, 6, or 5; and he then promised that this matter should be considered not only by himself, but also by Her Majesty's Government. He subsequently gave Notice that he thought the wisest course would be to restore the old hour of 6, and that was what, after full consideration, he now proposed.

MR. W. E. FORSTER said, he thought it could hardly be said that the right hon. Gentleman was now fulfilling his pledge in proposing this alteration. He clearly understood the right hon. Gentleman to say the other night that he had come to the conclusion that it was better to fix the hour at 7; and the pledge he gave after objections had been raised, and there was a possibility of a fresh Amendment being proposed, was that he would reconsider the subject. It seemed a rather curious thing that he should, after assenting to the word "seven," make a pledge that he would restore it to "six."

MR. ASSHETON CROSS: I pledged myself that the subject should be fully considered by Her Majesty's Government.

MR. W. E. FORSTER said, he very much regretted that reconsideration. If the Government first proposed 6, and then, after being convinced from the debate in Committee that it should be 7, came back to 6, it was not very easy for the House to assent to such a proceeding.

SIR GEORGE BOWYER said, that a certain proportion of the House seemed to have made up their minds not to listen to any discussion, but to vote according to foregone conclusions. It was very hard upon a man who did not belong to a club to say that between 3 and 6 on the afternoon of Sundays he should not be able to get any dinner. Instead of 6, it would be much better if the hour were 5. He did not know on what principle they proposed that the only places where a man could get his dinner on Sundays should be closed from 3 to 6 o'clock. It

could not be because they should not get their dinner during the hours of public worship, because places of public worship were open a variety of different hours. Indeed, the closing of public-houses in the afternoon would prevent a man from going to church in the evening, because he would not go there unless he had had his dinner, and that they prevented him from obtaining.

COLONEL DYOTT observed, that he believed the House was agreed upon the principle that it was desirable to close public-houses during the hours of Divine worship; but it was impossible to regulate the opening and closing of public-houses by those of the churches. He believed that the present hours, from 3 to 6, had given satisfaction, and that from 3 to 7 would not. He should vote for 6 o'clock.

COLONEL BRISE said, he thought the publicans were entitled to consideration in these matters. 7 o'clock had been apparently accepted by the House as the hour for opening on Sunday evening, after 6 had been struck out, very much against its will.

SIR HARCOURT JOHNSTONE believed, on the whole, that it would be a great practical convenience in the neighbourhood of London if the hour of 6 were adopted. With regard to the hour of 5, he thought that the publicans themselves deserved some consideration, and he therefore trusted that hour would not be inserted in the Bill.

SIR GEORGE JENKINSON submitted that the Government had practically adopted his suggestion of 7 o'clock, and he was therefore relieved of responsibility in the matter. At the same time, he had no wish to oppose what now appeared to be the feeling of the House. He had never desired to go against the wishes of the metropolis in this matter, but had only wished that 7 should be the hour to be adopted in rural districts. The town of Liverpool was going to petition the House of Lords for 7 o'clock.

LORD FRANCIS HERVEY said, he was the first to place upon the Paper the Amendment which the Government had adopted. He trusted the hour of 5 would not be inserted, as he believed it to be quite unnecessary. Notwithstanding the complaint of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), he did not think the Home Secretary could be charged with

Sir George Bowyer

having done anything more than what he promised in a previous debate. He could not understand why the hon. Baronet the Member for Wexford (Sir George Bowyer), who had put down an Amendment on the Paper that the hour of opening on Sunday should be 6, should afterwards make a speech in favour of 5. He trusted 5 would not be adopted.

MR. LOCKE said, that so far as the hour of opening was concerned, he should support 5 o'clock. For a great number of years 5 was the hour, and it was only recently that it was altered to 6. Six o'clock was very inconvenient to many persons, but 7 was an abomination. The proposal had been introduced in a very extraordinary manner. It was an arrangement made evidently with reference to the hours of Divine worship; but if the public convenience in such matters was to be regulated by the clergy, the public would soon find themselves in a very awkward position. He submitted that the Home Secretary had no right whatever to send him to church on a Sunday evening, or to insist upon his giving up the pleasure of dining where he liked. He should support 5 o'clock.

Amendment (*Mr. Assheton Cross*) agreed to.

MR. WELBY moved to insert after "in," at page 2, line 35, "fishing and." Amendment agreed to.

MR. DODSON said, he wished to ask the Government, what they meant by "harvesting operations?" The term seemed to him much more vague and indefinite than the famous "populous places."

MR. HUNT rose to Order. There was no Question before the House.

MR. DODSON said, he should conclude with a Motion. He wished to know whether the right hon. Gentleman would give any definition of the term "harvesting operations." Did it include hay harvest, bark harvest, and hop picking, or any of them, as well as corn harvest? It was well known that in all such operations men were employed early and late. In conclusion, he begged to move, *pro formâ*, the omission of the words "harvesting operations."

Amendment proposed, in page 2, line 35, to leave out the words "harvesting operations."—(*Mr. Dodson.*)

MR. ASSHETON CROSS said, the real fact was, that if the right hon. Gentleman would refer to the Act of 1872, he would find that precisely the same power was given as had been given in this case, and nothing more nor less. The magistrates had power under the Act of 1872 to make special exemptions. There was a notion in some parts of the country that the clause in the old Act did not apply to harvesting operations, and to remove that doubt the words were inserted.

Question, "That the word 'harvesting' stand part of the Bill," put, and *agreed to*.

MR. WELBY moved, in page 2, line 35, to insert after the word "harvesting," the words "or other agricultural." There were many agricultural operations which required the early attendance of men besides harvesting operations.

Amendment proposed, in page 2, line 35, after the word "harvesting," to insert the words "or other agricultural."—(*Mr. Welby*.)

Question proposed, "That those words be there inserted."

MR. ASSHETON CROSS objected to the proposal, as its adoption would practically include almost every other employment. He should be glad, however, to consult with his hon. Friend in order to ascertain whether there were particular occupations which ought to be exempted besides that of harvesting.

MR. KNATCHBULL-HUGESSEN asked whether "hopping" would be inserted?

Question put, and *negatived*.

SIR HENRY SELWIN-IBBETSON proposed an extension of hours in the agricultural districts during the four harvest months.

MR. BEACH said, the effect of that would be to give the labourers an excuse for drinking at a later period of the evening.

MR. WYKEHAM MARTIN wished to know whether the power would include the case of seafaring people.

Amendment *negatived*.

MR. ESTCOURT moved, in page 2, line 37, to insert after "hour," the words "or closed at a later hour." His only object was that the publican might

obtain exemptions from the closing hour during the harvest season.

Amendment proposed, in page 2, line 37, after the word "hour," to insert the words "or closed at a later hour."—(*Mr. Estcourt*.)

Question proposed, "That those words be there inserted."

MR. ASSHETON CROSS said, he could not agree to the Amendment, which would have the effect of unduly extending the Act of 1872.

SIR GEORGE JENKINSON said, he thought the magistrates should be allowed discretion in extending the hours during the months of June, July, August, and September.

MR. BEACH remarked that during harvest labourers had to get up very early in the morning, and nothing could be more injudicious than to give them an excuse for sitting up late.

Question put, and *negatived*.

Clause 4 (Power to vary on Sunday afternoon hours of closing premises for sale of intoxicating liquors).

Amendment proposed, in page 3, line 12, to leave out the word "seven," and insert the word "six,"—(*Mr. Assheton Cross*),—instead thereof.

Question, "That the word 'seven' stand part of the Bill," put, and *negatived*.

Question proposed, "That the word 'six' be there inserted."

COLONEL BRISE moved to insert before the word "six" the words "five or." He hoped the right hon. Gentleman the Home Secretary would respect the numerous Petitions presented in favour of opening half-an-hour earlier in the morning. If the Home Secretary did not grant the boon he asked, which would have no effect on the principle of the Bill, though it was matter of great importance in agricultural districts, he should certainly divide the House.

Amendment proposed to the said proposed Amendment, to insert before the word "six" the words "five or."—(*Colonel Brise*.)

MR. ASSHETON CROSS said, the clause was misunderstood by his hon. Friend. It was one to make the public-houses close at a time which would avoid their clashing with the afternoon service

at church. The hon. Member's Amendment, if moved at all, should have been moved on Clause 2, for the House had already decided at what hours houses were to be opened and closed on Sundays. He was bound to say that even if it were open to them, it would be a great pity now to alter the hours of opening to 5 o'clock. When the closing hour was 3 o'clock and the opening hour 5 o'clock, the people who were turned out at 3 o'clock remained in a group outside awaiting the opening of the door at 5 o'clock.

MR. GREENE agreed with his hon. Friend that in many agricultural districts the proper hour for re-opening on Sundays would be 5 o'clock; but as the House had decided that the hour should be 6, he hoped there would be no division.

Question, "That the words 'five or,' be inserted before the word 'six' in the said proposed Amendment," put, and *negatived*.

Original Question put, and *agreed to*.

The word "six" *inserted*.

SIR GEORGE JENKINSON moved, in page 3, line 13, after "o'clock," to insert—

"And for the purposes of such accommodation as aforesaid, the licensing justices may further vary the hours of opening and closing such premises on the evenings of the days above named: Provided always, That the hour of opening shall not be earlier than five o'clock, nor later than seven o'clock; but in all cases where such premises are directed to be opened at five or six o'clock they shall be closed at nine instead of at ten o'clock."

The hon. Baronet said, he thought four hours drinking on Sunday was sufficient for all reasonable wants of all reasonable men. Discretion was given the magistrates to vary the hours of opening on the mornings of Sundays, and why should the licensing justices be refused the same option on Sunday evenings? The Amendment could do no possible harm, and it might do a great deal of good. He should respectfully ask the House that this additional discretion should be left to the magistrates.

Amendment proposed,

In page 3, line 13, after the words "o'clock," to insert the words "and for the purposes of such accommodation as aforesaid, the licensing justices may further vary the hours of opening and closing such premises on the evenings of the days above named: Provided always, That the hour of opening shall not be earlier than five

o'clock, nor later than seven o'clock; but in all cases where such premises are directed to be opened at five or six o'clock they shall be closed at nine instead of at ten o'clock."—(Sir George Jenkinson.)

Question proposed, "That those words be there inserted."

MR. ASSHETON CROSS said, it would be quite impossible to accept the Amendment. The question had been already decided on Clause 2. He entirely differed from his hon. Friend as to the advisability of re-opening at 5 o'clock on Sunday evenings.

MR. MELLY said, that the hours of closing, no doubt, had been settled by Clause 2, but they had been unsettled in four or five instances subsequently. The licensing magistrates had been given complete discretion as to the hours of closing where agricultural, fishing, harvesting, and mining purposes were concerned. For these exceptional cases the hours were to be altered. Why, then, refuse the rural population the privilege, if the magistrate so decided, of having the public-houses in their district re-opened at 5 o'clock for their convenience at tea and supper time?

MR. SANDFORD said, he hoped his hon. Friend would take the sense of the House on his Amendment. In the eastern counties the evening service was between 6 and 7 o'clock, and very shortly after people retired to rest. He knew that not only the clergy of the Church of England, but all the Dissenting ministers, were in favour of the change.

SIR HARCOURT JOHNSTONE believed the Amendment to be a good one, and on the ground of public convenience he should give it his cordial support.

MR. J. S. HARDY said, that as the Amendment stood, it would compel all the public-houses in the country to be closed at 9 on Sunday evening. Believing that the Bill had already gone far enough in the direction of restriction, he would vote against the Amendment.

MR. CHILDERS said, that the Amendment as it stood would undoubtedly have the effect stated by the hon. Member for Rye, and he would, therefore, propose to omit the words "or six." Its effect would then be that all houses opening at 5 should close at 9, and all houses opening at 6, at 10.

Amendment proposed to the said proposed Amendment, in line 6, to leave out the words "or six."—(Mr. Childers.)

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SIR GEORGE JENKINSON said, he was quite willing to accept the suggestion made by the right hon. Gentleman.

MR. PEASE said, he believed the Amendment did not apply to the metropolitan district, and he believed that in many parts of the country those who opened their houses at 5 o'clock in the morning were very happy to close them at 9 o'clock at night.

MR. ASSHETON CROSS said, he must oppose the Amendment, because it was entirely at variance with the clauses of the Bill already, after long discussion, agreed to by the House.

COLONEL BARTTELOT reminded his right hon. Friend that the House had already decided that the hours should be from 6 to 10, and he hoped he would abide by that decision.

MR. GREENE said, that in the Eastern counties, if the magistrates decided that houses might open at 5 o'clock in the morning, they would willingly close at 9 o'clock. In his own immediate neighbourhood people went to bed generally at 9 o'clock, and he himself retired to rest, when at home, at 10. He thought the Amendment an improvement to the Bill.

Question, "That the words 'or six' stand part of the said proposed Amendment," put, and *negatived*.

Question put,

"That the words 'and for the purposes of such accommodation as aforesaid, the licensing justices may further vary the hours of opening and closing such premises on the evenings of the days above named: Provided always, That the hour of opening shall not be earlier than five o'clock, nor later than seven o'clock; but in all cases where such premises are directed to be opened at five o'clock they shall be closed at nine instead of at ten o'clock,' be there inserted."

The House *divided*:—Ayes 123; Noes 241: Majority 118.

Clause 5 (Early-closing licences.)

MR. ASSHETON CROSS moved, in page 3, lines 25 and 26, to leave out, "or opening them at a later hour in the morning than usual," the effect of which would be that any publican might, on application, obtain the privilege of opening an hour earlier in the morning on condition of closing an hour earlier in the evening.

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MR. W. E. FORSTER said, he thought the right hon. Gentleman should state some reason for his Amendment.

Amendment *agreed to*.

Clause 7 (Penalty for infringing Act as to hours of closing.)

MR. CAWLEY moved, in page 4, line 19, after "allows," to insert "any person to remain in such premises for the purpose of consuming." Line 20, leave out "although." Same line, leave out, "hours," and insert "hour." Same line, leave out, "to be consumed in such premises," and insert, "for more than ten minutes after such hour of closing." The hon. Gentleman said, if a person ordered a glass of brandy and water hot a minute before the fixed hour, it would be very hard to force him to drink it at once, and yet, if he did not do so, the landlord would be liable to penalties for an act which he could not, in common reason or courtesy, prevent. He could not take his customer by the throat and turn him into the street half a minute after the clock struck the fixed hour. He was not individually wedded to ten minutes, and if his right hon. Friend would give any reasonable time for consumption of liquors ordered just before the hour of closing, he would be content.

Amendment proposed, in page 4, line 19, after the word "allows," to insert the words "any person to remain in such premises for the purpose of consuming," — (*Mr. Cawley*,) — instead thereof.

SIR WILLIAM HARCOURT said, he hoped the Government would accept the Amendment, otherwise publicans would suffer a great hardship. They could not refuse to sell until the very hour of closing, and yet, if a customer remained one minute afterwards to drink the liquor he had bought, a penalty of £10 or £20 would be incurred. It was unjust to draw such a hard-and-fast line, and he felt sure that such a monstrous provision could not be enforced.

MR. RUSSELL GURNEY was of opinion that there ought to be some reasonable space allowed between the time of refreshments being ordered and that for their consumption.

MR. ASSHETON CROSS said, the House had already decided not to entertain a proposition of this kind sub-

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mitted by the hon. Member for Birmingham (Mr. Muntz). By the Act of 1872, no man could compel a licensed victualler to do anything which would endanger his licence, and a publican would be justified in refusing to supply a quantity of hot brandy a minute before the closing hour, because, as it could not be consumed within the time, the licence would be in danger. A relaxation of the rule would prove a trap to the licensed victualler, for, as had been pointed out the other night, it would be impossible to stop the drinking at the end of 10 minutes or a quarter of an hour. It was for the interest of the publicans, therefore, that the clause should not be altered.

SIR CHARLES W. DILKE said, the Home Secretary had recognized the principle when he extended the hours of closing in exempted houses from 12.15 to 12.30.

MR. ASSHETON CROSS said, that was only in the metropolis, and under exceptional circumstances.

MR. HALL said, he did not understand this drawing of a hard-and-fast line in these matters. When the Government brought in this Bill, he believed that the people of this country, as a whole, were tolerably well satisfied with it; but in the course of the discussions that had taken place upon it, and the changes which had been made in it, the result had been to produce a general feeling of disappointment and dissatisfaction. The metropolis had powerful Representatives in that House, and to them much had been conceded; but he felt, as many others did, that even-handed justice had not been dealt out to the provinces in this respect, and that they would be left in as bad, if not a worse, position than they were at present. For his own part, he must say that if the Bill passed in its present shape, he did not look forward with much pleasure or satisfaction to his next meeting with his much-respected constituents. The Bill, instead of relaxing existing restrictions, had imposed fresh ones. It seemed to be the general opinion that some time should be allowed for clearing the premises. It was no doubt very important to consult the convenience of the police; but for that House to pass an Act which would work without constant friction, was much more important and far more consonant with the dignity of Parliament. If the hon.

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Member went to a division he should support him with all his heart.

MR. WHEELHOUSE said, he hoped a concession of this kind would on no account be made a matter of discretion on the part of the justices. There would be cases which would never be met unless something of this kind were done. He spoke on behalf of a very large constituency, and it had been represented to him that it would be utterly impossible to carry out the Act if the publicans were allowed to supply their customers up to the very last moment of closing and to have their house clear at the same time. It was all very well to say that unless this were done it would endanger the licence; but whether it was so or not, was it not better to have this matter settled definitely by Act of Parliament than to leave it to be decided by the magistrates? If the House agreed to give 10 minutes' or a quarter of an hour's grace, he thought it would be regarded as satisfactory.

Question put, "That those words be there inserted."

The House divided:—Ayes 61; Noes 152: Majority 91.

MR. STAVELEY HILL moved, in page 4, line 21, after "premises" to insert "in contravention of this Act."

Amendment agreed to.

Clause 8 (Saving as to *bonâ fide* travellers and lodgers).

MR. M'CARTHY DOWNING moved the omission of the latter part of the clause, which provided that no person should be regarded as a *bonâ fide* traveller who had not come from a distance of not less than three miles, as measured in a straight line on the Ordnance map. He objected to distance being made an element in the consideration of the question, and pointed out that it would give rise to curious anomalies, as in the case of a person who, having walked a distance of some eight miles from his own house, and going into a public-house on his return when within a mile or so of his home, would be refused refreshment on the ground of his not being a *bonâ fide* traveller. He trusted, at any rate, that such a provision would not be introduced in dealing with Ireland.

Amendment proposed, in page 5, line 6, to leave out from the words "a person," to the word "map," in line 10.
—(*Mr. Downing.*)

SIR GEORGE BOWYER supported the Amendment. He had received a letter from a most respectable publican complaining of the definition. If the definition were insisted on the consequence would be that the publican would not supply the public, lest he should get into a mess, and the public would consequently be subjected to much hardship. He had further to complain of the provision that the three miles were to be measured in a straight line. They ought to be measured by the nearest road. Altogether the definition seemed to him an injustice inflicted on sober people for the sake of drunkards.

MR. W. S. STANHOPE said, he hoped the House would preserve the clause as it was. It would really protect the publican. He believed the definition would put a stop to illicit drinking by miners in the Midlands, who meanwhile walked out to neighbouring villages, got drunk, and created much disturbance.

MR. BRISTOWE also opposed the Amendment, believing that the proviso in question, while it did not accomplish all he could desire, went as far as the Home Secretary felt that he could go towards meeting an acknowledged difficulty.

MR. ASSHETON CROSS said, the words which it was proposed to omit had been inserted in the clause with the view to enable the publican to refuse to serve persons who lived in his neighbourhood with refreshments on the plea that they were *bond fide* travellers. If the hon. Member for Oxford (Mr. Hall) thought that his plan of measuring the distance was better than that set forth in the Act, he should be happy to accept his Amendment.

MR. DODSON said, he quite agreed with the object of the right hon. Gentleman, but he doubted whether the trade would be protected by the clause as it stood. A man might lodge on the previous night within three miles of the place where he asked to be served with drink, and yet be a very *bond fide* traveller indeed. If the words were construed literally and strictly they would result in hardship. He believed that in Scotland there was no definition of *bond fide* traveller, and that the best state of the law for England was that which existed before the year of 1872, when it rested with the prosecution to show

whether a man was a *bond fide* traveller or not.

MR. KNATCHBULL-HUGESSEN said, that the difficulty as to who was and who was not a *bond fide* traveller had existed ever since the days of the children of Israel, who were grossly imposed upon by the Gibeonites in that particular. He thought, upon the whole, that the definition proposed by the Home Secretary was an improvement and would support it. He also quite approved of the Amendment about to be moved by his hon. Friend the Member for Oxford (Mr. Hall)—that the distance should be measured on the nearest road instead of in a straight line on the Ordnance map.

Question,

"That the words 'a person for the purposes of this Act and the principal Act shall not be deemed to be a *bond fide* traveller unless the place where he lodged during the preceding night is at least three miles distant from the place where he demands to be supplied with liquor, such distance to be calculated in a straight line on the Ordnance map,' stand part of the Bill,"

put, and agreed to.

MR. ALFRED MARTEN moved to insert after "lodged" the words "or slept."

Amendment proposed, in page 5, line 8, after the word "lodged," to insert the words "or slept."—(Mr. Alfred Marten).

MR. DODSON asked if the Home Secretary intended to accept this Amendment? [Mr. ASSHETON CROSS said, he did not.] Because, if so, supposing it were to be found that a man, from fleas or other causes, did not sleep, how would that affect the publican?

MR. ASSHETON CROSS said, that in such a case the man would be taken to have "lodged."

Question, "That those words be there inserted," put, and *negatived*.

MR. HALL moved, in page 5, line 10, to leave out "in a straight line on the Ordnance map," and insert "by the nearest public thoroughfare."

MR. WADDY said, he thought it would be preferable that the clause should remain as it was originally proposed.

MR. ASSHETON CROSS was anxious to make the Bill as easily workable as

possible, and assented to the words proposed to be introduced.

Amendment agreed to.

Clause 11 (Record of convictions on licences).

MR. M. D. SCOTT (for Mr. GREGORY) moved, in page 6, line 4, to leave out the word "or," and insert "which by such Act was to have been endorsed upon the licence, or of any offence against this." The object of the Amendment was to limit the power of the magistrate, in respect of making endorsements upon the licences of publicans.

MR. ASSHETON CROSS said, he was happy to be able to accede to the introduction of these words, which were simply meant to correct an error in the drawing of the Bill. Under the Act of 1872 there were certain offences which might be recorded on the licence, and it was never intended to impose severer penalties upon publicans by this Bill than existed under the Act of 1872.

In reply to Sir EDWARD WATKIN,

MR. ASSHETON CROSS said, that the object of the Government was to leave the law as regarded the powers of the constable to enter public-houses in the way it was before the passing of the Act of 1872.

Amendment agreed to.

Clause 13 (Constable to enter on premises for enforcement of Act.)

MR. DODSON said, he would move *pro forma* to omit every word from the words "any constable" down to the words "in force," in line 37. He merely made this proposal for the purpose of enabling him to call the attention of the right hon. Gentleman the Home Secretary to this—that, under the law as it stood before the Act of 1872, the constable had the power to enter any licensed premises without a search warrant; and though there had, he believed, been some doubt on the subject, the general opinion was that under that law the constable could enter every room in the house. In the Act of 1872, words were expressly inserted giving the constable power not only to enter a licensed house, but to go through every room in that house. The Home Secretary, however, by his Bill got rid of the clause which contained these words, and he gave them a clause in substitution of it which left the law substantially on the same footing as it

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existed before the Act of 1872. The effect, therefore, of the alteration which had been made in the Bill by means of the words just agreed to would be to leave the law on this point in a state of doubt. He hoped the Government had well considered their intention.

Amendment proposed, in page 6, line 33, to leave out from the word "any," to the word "force," in line 37. —(Mr. Dodson.)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. ASSHETON CROSS said, he believed that under the old Beer House Act the constable had the power to enter all houses licensed for the sale of beer, whether beer-houses or public-houses. This was the state of the law until the passing of the Act of 1872. Under that Act the constable might enter at all times and examine every room in a licensed house and search for all intoxicating liquors stored therein. He believed that these words were put into the Act to enable a constable to search for adulterated liquor. Now they had struck out the adulteration clauses in the Bill, and therefore they had done away with the object which they had in view in giving power to the constable to go into the several apartments of a licensed house. The present Bill restored to the police the simple power to enter upon the premises to prevent any violation of the Act, and thus threw upon the police the responsibility. The policeman would have the right to enter in the positive execution of his duty, and it might be necessary for him to do so in case of a riot, but he would be responsible if he exceeded his duty. He was quite aware of the great difficulty of washing out the colour put on the old law by the Act of 1872, and he should be glad to consider any Amendment which the right hon. Gentleman might have to offer; only reminding him, however, that the matter had been very carefully considered by some able lawyers, and the clause drawn accordingly.

SIR HENRY JAMES said, that the right hon. Gentleman had not answered the complaint of the right hon. Member for Chester (Mr. Dodson), or explained why the 35th section of the Act of 1872 should be interfered with. To that there had been no answer. The Act of 1872

gave the constable protection for all he did in searching, by declaring that he had a right to enter premises and search any rooms. The proposal was to repeal that section, and the right hon. Gentleman had given no reason whatever for that course. Did the right hon. Gentleman mean that the constable was to have the power of entering the private rooms of a public-house?

MR. ASSHETON CROSS: He would have power to enter them in the execution of his duty, and for the purpose of preventing or detecting crime; but the Bill would throw on him the responsibility of showing that he entered them with this view.

SIR HENRY JAMES observed, that if that was the intention, it appeared to him that the responsibility should be placed on the Legislature or the Government, not on the constable. They were seeking to repeal an enactment which gave the constable the power, and which was passed by a Government which said that the constable should have it. The licensed victuallers objected to the constable having the power, and the Government meant that he should have it, but they did not say so. They wished him to have it, in order that, if there was an offence committed under the principal Act, he might enter private rooms; but they yet wanted to repeal the section which gave the power. Why did they discontinue the provision which gave the power, when they were anxious that it should be retained? Why should they strike out that section, and then throw the responsibility for what might happen, not upon the Legislature, nor upon the Government either of the original or of the amending Act, but upon the constable? Did they think that worthy legislation? The hon. Gentleman the Under Secretary for the Home Department (Sir Henry Selwin-Ibbetson) signified his assent; but what benefit was obtained by this course? They repealed the Act of 1872, which said that the constable had a right to search private rooms, and now said that the constable was to have the right of entry, and afterwards of defending himself by an undefined law. It was paying a debt in base coin. ["Oh, oh!"] He repeated it, and took the responsibility of what he said. If the Government meant that the constable was to enter upon the premises in accordance

with the definition of the law of 1872, why repeal that law? [MR. ASSHETON CROSS observed, that he had said the law would remain the same as it was before the passing of the Act of 1872.] The Act of 1872 did not alter the previous law, but only declared what it was. Were they giving the licensed victuallers any advantage by this? ["Yes."] Did they intend that the policeman should be able to enter premises as he had the power to do before the Act of 1872 was passed? If they meant to give the same power, why repeal the Act of 1872? If they meant to give less, why did they not say so, and why did they throw the responsibility on the constable? He hoped that before the section was repealed there would be some answer given to the right hon. Member for Chester, why there was an attempt to repeal the section, and yet to keep the law as it was?

MR. FORSYTH said, he was very much surprised that this discussion should have been raised. They were told that the 35th clause of the Act was the same as the 13th section of the Bill, and that the Bill was precisely the same as the law was before the Act of 1872. That was not the case. By the 35th section of the Act of 1872 a constable could go over every part of a publican's house, whether there was any violation of the Act or not. He could search every room, every cupboard in it, and he could say he would go to-morrow, or the day after, and take an account of the liquors stored therein, though there might not be more than five barrels of beer in the whole house. The police might enter and rummage a whole house, regardless of the comfort of its inmates, or the interest of the public. That was a power which was naturally most offensive to publicans; but the power in the 13th clause was of a very different character. The power was there given for a specific purpose, "for the purpose of preventing or detecting the violation of any provisions of the Act," and that was a power which no publican would object to. The difference was so plain, that he wondered why his hon. and learned Friend should not see it.

SIR EDWARD WATKIN said, he thought the explanations of the Home Secretary very unsatisfactory. Everybody knew the complaint which the licensed victuallers urged against the Act

of 1872, and it was a most just one. They complained that their houses, which ought to be their castles, were dealt with by that law after a fashion that was not used in dealing with those of any other class of the community. He knew a case in which a constable insisted on searching a licensed victualler's bedroom in which his wife was confined, and the visit was made vexatiously. How could they prevent such a power being tyrannically used by a class of men employed at 18s. a-week? If he were in Order, he should presently move to add, after the word premises, "other than the private apartments of the licensed person or persons."

MR. WATNEY said, that the present Bill would repeal the most offensive clause of 1872, and would restore the old law, which had worked well.

MR. SHAW LEFEVRE believed that under this Bill constables would still have power to enter private rooms; and what the Government ought to do was to make the law clear, so that victuallers might not be induced to believe that they had received a great benefit when really none was conferred.

SIR HENRY SELWIN-IBBETSON said, there was no doubt as to what the law was before 1872. By the 4 and 5 Will. IV. c. 72, the police had the power of entering all the rooms of a public-house or beerhouse, and the object of that power was for the enforcing of the Acts relating to the licensing law with regard to the conduct of that public-house. The policeman who exercised that power did so on his own responsibility. But the Act of 1872 imported into the law the question of adulteration. Before that Act, the question of adulteration was under the inspection of the Excise officer, who could enter any room in a public-house. The Act of 1872 gave that power to the policeman not merely for the purpose of maintaining order, but also to inquire into the matter of adulteration. This left the publican so entirely at the mercy of the constable, and occasioned so much inconvenience to the publican, that a change was considered desirable, and that the constable should only make such entry in the necessary discharge of his duty. If it were found that he was acting in an objectionable and vexatious manner, no magistrate would exonerate him. If the power of search was limited

to the public rooms in a licensed victualler's premises, it would open the door to any amount of illegal drinking in private rooms. He thought the licensed victuallers were quite satisfied with the change that had been made in this respect.

Amendment, by leave, *withdrawn*.

SIR EDWARD WATKIN said, there was something involved in this beyond the question of illicit drinking. Did the Government intend by this clause that a police-constable might at any time by night or by day enter a room—even the bedroom of a licensed victualler? That was the question, and he would divide the Committee on a question which violated the principles of the British Constitution. He would now move that the words which he had stated be inserted.

Amendment proposed, in page 6, line 37, after the word "force," to insert the words "other than the private apartments of the licensed person or persons."—(*Sir Edward Watkin.*)

Question proposed, "That those words be there inserted."

MR. GREGORY saw no violation of the British Constitution in the clause as it stood. Nothing could be clearer than that, if the constable entered the premises without reasonable grounds, he was responsible for his conduct; otherwise, he was exonerated.

MR. KNATCHBULL - HUGESSEN said, that all that was required was to insert such words as to make the law perfectly clear on the subject. It was all very well now to sneer at speeches about the "violation of the British Constitution," but a very different tone was taken by hon. Gentlemen opposite towards the end of January last, when plenty of such speeches were heard. What was the case? The law had been vague before the Act of 1872, and they had been told that Lord Aberdare had been advised that the constables had the right of entry even into the private premises of the licensed victualler. Lord Aberdare thought that right ought to exist, and stated it clearly in his Bill. He (Mr. Knatchbull-Hugessen) could not but say that he thought Lord Aberdare was wrong; but, at all events, he had the courage of his opinions. Let the present Government do the same. If they thought the right should exist, let

Sir Edward Watkin

them say so in their Bill—if not, let them plainly enact the reverse, but in either case, they should not leave the law vague and uncertain.

MR. ASSHETON CROSS denied emphatically that there had been any desire whatever to interfere with the liberty of the subject in proposing the clause now sought to be modified. It would be impossible to carry out the Amendment without considerably enlarging the privileges already conceded to the publicans. Great pains had been taken to make "white" appear "black." All that the Government desired to do was to leave it to the constable in such a way as not to interfere with the liberty of the subject. They wished to restore the law precisely to the state in which it was before the Act of 1872. Before that Act was passed the Excise had power to search in any part of the premises for adulterated liquor. The Act of 1872 gave the constables certain powers of the same kind, and those powers were used in some instances oppressively. But under the law as it existed before 1872 there was no oppression, nor were there any complaints on the part of the licensed victuallers, and what the Government wished now was, as he had said, simply to restore the law to the state in which it was before 1872. If a constable should hereafter violate the privacy of a publican he would suffer for it, and the publican would not.

SIR HENRY JAMES complained that the House could obtain no direct declaration or clear statement from the Government as to the right of police-constables to enter any portion of the premises of a publican. The Amendment of his hon. Friend (Sir Edward Watkin) put this to the test, and if hon. Members voted against it, they would recognize that the police had a right to enter the premises of a licensed victualler. The Government declined to put into this Bill what they meant, and were equally resolved not to say it by word of mouth; so that the House had better vote for the Amendment and make the matter clear.

MR. R. H. PAGET contended that the alteration of the Act of 1872 would be simply reverting to what the law was previously, and that the Government in that were really meeting the wishes of the country.

MR. TREVELYAN said, he hoped hon. Members would vote on the merits of the Amendment, and not be led away by any talk about *ad captandum* statements made by vagrant Members opposite during the elections. Both the Home Secretary and the hon. Baronet (Sir Henry Selwin-Ibbetson) had clearly explained what their object was. It was too late in the day to say that publicans must be treated like any other British subjects. They had a monopoly, and it was necessary that it should be regulated. He hoped hon. Members on that (the Opposition) side would not, in order to catch a little party triumph, get into a disadvantageous position by going into the Lobby against the right hon. Gentleman.

MR. EARP said, it was distinctly laid down by the Act of 1872 that the police should have the power of entering all licensed premises to ascertain if any persons were drinking at hours prohibited by law. The present clause only did the same, and he should therefore support it.

SIR EDWARD WATKIN denied that he was actuated by any personal motive in moving the Amendment. He had called attention to the subject on the second reading, and had understood the Home Secretary to propose to remedy the grievance. He only moved now because the right hon. Gentleman had offered nothing. He did so simply as an act of justice, and reminded hon. Gentlemen that it was unparliamentary to impute motives to any hon. Member.

Question put.

The House divided:—Ayes 63; Noes 204: Majority 141.

Clause 23 (Notices of adjourned Brewster Sessions and of intention to oppose).

SIR CHARLES W. DILKE moved, in page 10, line 3, at beginning of clause, to insert as a paragraph—

"Whereas by section forty-two of the principal Act it is enacted that a licensed person applying for the renewal of his licence need not attend in person at the general annual licensing meeting unless he is required by the licensing justices so to attend: Be it Enacted, That such requisition shall not be made save for some special cause personal to the licensed person to whom such requisition is sent."

Amendment agreed to.

MR. BRISTOWE moved, in page 10, line 10, after "opposed," insert—

"And if the grounds of such objection shall, in the opinion of the justices present at such meeting, be frivolous or vexatious, such justices may direct such costs as they in their discretion shall think fit to be paid by such objector to the holder of any such licence so sought to be renewed as aforesaid."

The hon. Gentleman said, he felt that this was an Amendment which he should have moved in Committee, and which he had intended to do, but had been prevented at the last moment. It was a great grievance that men should be put to the annoyance, the trouble, and expense, of getting up a defence against an undefined charge, and then find that when the matter got into Court, the objectors did not think fit to go on with it. In the Registration Courts the Revising Barrister had the power of calling upon a frivolous and vexatious objector to pay the costs, and the same rule ought to prevail here.

Question proposed, "That those words be there inserted."

MR. STAVELEY HILL said, he hoped the Home Secretary would receive the Amendment, in which he entirely coincided, or if it were out of time, that he would assure the House that the provision would be made part of the Bill in "another place."

MR. ASSHETON CROSS acquiesced in the spirit of the Amendment, which, however, was one-sided, inasmuch as it referred only to renewals, and not to either grants or transfers. If it were withdrawn now, he should take care that the attention of those who might have charge of the Bill in "another place" should be called to its importance.

Amendment, by leave, *withdrawn*.

Clause 26 (Transfer or renewal of licences forfeited without disqualification).

MR. GREGORY moved to leave out the clause.

Amendment *agreed to*.

Clause *struck out*.

Clause 27 (Definitions).

MR. BARING moved that the parish of West Ham, in the county of Essex, should be considered as lying within the metropolitan area. It was a rule of fair play that similar persons residing in similar localities carrying on similar trades should be treated in a similar manner.

Mr. Bristowe

The name "parish of West Ham" would imply that it was a pleasant rural place; but it was nothing of the kind. It was only three miles from the City, and was connected with it by a continuous row of houses, which reached from White-chapel to Stratford, where there was a population of 85,000 persons, which was the same in character and occupation as that of Bow and Mile End. The traffic between it and London began early in the morning; the workmen's trains left as early as 6 o'clock, and unless the workmen could obtain refreshments at the public-houses they would not be able to take with them what they wanted for the day. As the Bill stood, his constituents would lose two hours and a-half in the course of the day. He thought the case for inclusion within the metropolitan district was a perfectly clear one. The only reason for shutting out West Ham was that it was separated by the small river Lea, and was in Essex; whereas, on the north of the Thames, North Woolwich—though on the other side of West Ham, from the fact of its accidentally being part of Kent—was included in the metropolitan district, and had the advantage of two hours and a-half more of open houses, one in the morning, and one hour and a-half at night. He could not undertake to say what were the views of the absolute majority of the inhabitants, as it was hard to canvass 85,000 persons; but he had presented nearly all the Petitions sent to the House on the subject, alike from those who opposed the extension of the hours and from those who were in favour of being included in the metropolitan district, and, judging from them, he believed he was justified in saying that a large majority of the inhabitants of the district were in favour of inclusion. But even were this not the case, he would remind the House that yesterday by a large majority they had decided that even a majority of two-thirds had not the right to deprive a minority of one-third of the inhabitants of any town or parish of their accustomed comforts and liberties. He hoped he had shown some reasons for the adoption of this Amendment, which he had placed on the Paper at a late period of the debate, and that if the Home Secretary did not assent to it at that stage it would receive due consideration in "another place."

Amendment proposed, in page 11, line 2, after the word "hereto," to insert the words "and shall include, for the purposes of this Act, the parish of West Ham, in the county of Essex."—(*Mr. Baring.*)

Question proposed, "That those words be there inserted."

COLONEL MAKINS, in supporting the Amendment moved by his hon. Colleague, said the district affected by it was a very large one. It contained many town-halls, many churches, many large railway works and manufactories. It was, in fact, only a portion of the metropolis within the radius of five miles of Charing Cross, and it was as much a part of London as Bow, Stratford, or even Southwark, and, instead of being one hour worse than their neighbours as the inhabitants were before, they would be $2\frac{1}{2}$ hours worse under the Bill—an hour in the morning, and one hour and a-half in the evening. He therefore hoped the Home Secretary would concede what appeared to be a simple act of justice to a portion of the metropolitan population, who were, by a mere geographical accident, shut out from the provisions of the Bill.

MR. ASSHETON CROSS said, it was perfectly true that the population of West Ham was part of the population of London, and at first he thought the district ought to be included within the Metropolitan area. He openly said so in the House, and he quite expected he should have an expression of opinion from the inhabitants to that effect. But to his surprise almost the first deputation which he received on his return to town after the Whitsuntide holidays was one from West Ham, begging and imploring him not to do what he had intended. That deputation consisted of magistrates, clergymen, and others. It was not composed of persons who objected to the sale of liquors, not teetotalers, but apparently a deputation of influential and highly respectable persons. [*Laughter.*] What he meant was that it was a *bond fide* representation of the opinion of the majority of the inhabitants of West Ham, so far as he could judge. On the other hand, he had never received any representation from the people of West Ham asking to be included. He must, therefore, oppose the Amendment, for if the people of West Ham wanted

to be included and were excluded it was their own fault.

Amendment by leave *withdrawn*.

MR. ASSHETON CROSS moved in page 11, line 4, after "one thousand eight hundred and seventy-two," to insert—

"And containing two thousand five hundred inhabitants or more; and any collection or continuous line of houses immediately adjoining a town as so defined shall, for the purpose of the provisions of this Act with respect to the closing of licensed premises, be deemed to be part of such town after it has been declared so to be by an order of the licensing justices having jurisdiction in the place where such houses are situated."

The right hon. Gentleman said, in the clause under consideration, a town was defined to mean an urban sanitary district, as described for the purposes of the Public Health Act, 1872. The purport of that definition was that it should include all boroughs, not Parliamentary but municipal boroughs, all places under Improvement Acts, and all places which had Local Boards, where there was an authority ruling in the district, and whose boundaries were defined. But, on looking into books containing information on the subject he found there were many places with Local Boards or governing authorities which had not a population of 2,500 inhabitants. As far as boroughs were concerned, it would make very little difference, whether the words "two thousand five hundred," as originally intended, were retained or not, because there were only two or three which had a smaller population. But now that the House had come finally to the conclusion to divide the whole country into towns and purely rural districts, the definition he had at first contemplated was no longer necessary. In fact, it was quite clear that very nearly all the places in the list in his hand would be decided by the magistrates to be "populous places." His hon. and gallant Friend (Colonel Barttelot) had an Amendment on the Paper to leave out the words "two thousand five hundred inhabitants or more," and that Amendment he was willing to accept. That disposed of the urban population. With respect to the less populous places, the question remained, who were to be the Boundary Commissioners, so to speak, who should fix the boundaries? A great deal had been said about the proposal of the Government being one

for restoring the option of the magistrates. It was, however, nothing of the kind. The House might leave the matter to be decided by the High Sheriff, or the Lord Lieutenant, or the chief police authority, or the County Judge. Some one must define it, and in the Bill it was left to the licensing justices. This was rather a mistake, and he saw there was an Amendment on the Paper with regard to this which entirely met his view. It should not be the Licensing Justices, but the General Licensing Committee. They would act more uniformly throughout the whole of a county, and he thought that that would meet the approval of the House.

Amendment proposed,

In page 11, line 4, after the words "one thousand eight hundred and seventy-two," to insert the words "and any collection or continuous line of houses immediately adjoining a town as so defined shall, for the purpose of the provisions of this Act with respect to the closing of licensed premises, be deemed to be part of such town."—(*Mr. Assheton Cross.*)

Question proposed, "That those words be there inserted."

COLONEL BARTELOT said, he was glad that the Home Secretary had accepted his first Amendment, as the "2,500 inhabitants" would have been a useless encumbrance to his Bill. He would now move to leave out from the Home Secretary's Amendment the words "or continuous line," and he did so because they all knew perfectly well that although there might be a large collection of houses "immediately" outside of a town, there were many instances in which those houses were not in "a continuous line." He knew of several instances where there was a meadow or field intervening, and yet those houses were, as it were, a part and parcel of the town. This matter should be clearly settled, so that the justices might have no difficulty in deciding the question.

Amendment proposed to the said proposed Amendment, in line 2, to leave out the words "or continuous line."—(*Colonel Bartelot.*)

VISCOUNT GALWAY called attention to the case he mentioned the other evening, of houses on the opposite side of a river to a town, and asked whether they would be considered as belonging to and included in the town.

Mr. Assheton Cross

MR. W. E. FORSTER said, he did not see what advantage there could be in retaining the words "continuous line," especially as they were connected with "collection" by "or." If they had been connected with it by "and" it would be altogether different. He thought it of great importance to keep the word "immediately."

MR. STANSFELD asked the right hon. Gentleman the Home Secretary whether his attention had been called to the fact that a vast number of urban sanitary districts had less than 2,500 inhabitants.

SIR JOHN KARSLAKE said, that if the word "immediately" were struck out they would be exercising more discretion. A line of houses might be practically contiguous, yet it might be broken by a bridge, a road, or a small field.

MR. ASSHETON CROSS said, he had the Return of the Local Government Boards in his hand, and it was quite true that a few of the parishes contained comparatively small populations. He thought, however, there were only about a dozen with very small populations. But it was much more convenient to take a broad and general line in this matter. He was, therefore, inclined to recommend the House to omit the words "or continuous line."

MR. CHILDERS asked the Secretary of State where he obtained his information as to these small populations being only about a dozen? He held in his hand a Return of all the urban sanitary districts with less than 2,500 inhabitants, and there were about 200 of them.

MR. ASSHETON CROSS did not mean to say there were only a dozen places with less than 2,500 inhabitants, because there was, no doubt, a large number of them, but that there was that number with very small populations.

MR. CHILDERS said, that in his own county, for instance, there was a long list of urban sanitary districts with only 400, 500, 600, or 700 inhabitants, and what he wished to point out was that if they gave these places the opportunity of closing at 11, it would be impossible to refuse it to hundreds of other parishes and villages.

Question, "That the words proposed to be left out stand part of the said proposed Amendment," put, and *negatived*.

COLONEL BARTTELOT moved, in line 3, to leave out the word "immediately," because a number of houses might, as had been said, be on the opposite side of a river; and it would be hard that they should be obliged to close at a different hour from the houses in the town.

Amendment proposed to the said proposed Amendment, by leaving out the word "immediately." — (*Colonel Barttelot.*)

MR. ASSHETON CROSS said he thought the argument of his hon. and learned Friend the Member for Huntingdon (Sir John Karslake) was perfectly conclusive. It often happened that a place was separated from a town by a road, or a river, or a ditch, and yet was practically part of it. The case mentioned by his hon. Friend behind was, he thought, a strong one. Persons came to the town from a distance, but a heavy toll made them put up at some outlying place. For all practical purposes, however, and in common parlance, these places were parts of the town.

Question, "That the word 'immediately' stand part of the said proposed Amendment," put, and *negatived*.

MR. ASSHETON CROSS moved, as an Amendment, the addition of words by which places situated in the vicinity of towns, and practically part of them, should be deemed to be part of them for the purposes of the Act as regarded hours of closing.

Question,

"That the words 'and any collection of houses adjoining a town as so defined shall, for the purpose of the provisions of this Act with respect to the closing of licensed premises, be deemed to be part of such town,' be there inserted."

MR. PEASE said, he thought the right hon. Gentleman's Amendment was in contravention of a great and desirable principle of the Bill, that a broad distinction should be drawn between town and country places, and that in the former the hour of closing should be 11, and in the latter 10. When he took away the limit of 2,500, however, he would be doing an admitted evil, by giving to beer-shops in small places a power they never before enjoyed.

MR. KAY-SHUTTLEWORTH said, that now for the first time the right hon. Gentleman was proposing to drop the

limit of 2,500, and the consequence would be that many places would be admitted as towns which had less than 2,500 inhabitants, and in many places not ranking as towns, beer-houses would be entitled to keep open till 11 which at present closed at 10. This should not be done without more consideration than had been given to it. The right hon. Gentleman now proposed to give the magistrates a discretionary power to say what were towns. ["No, no!"] Hon. Gentlemen were mistaken in saying that that was not the effect of the proposal of the right hon. Gentleman. The right hon. Gentleman should either keep to his limit of 2,500, or else give a clearer definition of what he meant by a town. The effect would be that beer-houses in places of less than 2,500 inhabitants, which hitherto had closed at 10, would keep open until 11.

MR. BRISTOWE observed, that it was plain that the effect of the whole of the right hon. Gentleman's Amendment would be such as it had been described. It appeared to him that the right hon. Gentleman meant the justices to decide what were "populous places."

MR. ASSHETON said, he quite concurred in the opinion expressed by the two previous speakers.

MR. SHAW LEFEVRE wished to say, he did not think the House quite understood the proposal of the right hon. Gentleman. It had, in his opinion, just been correctly described by his hon. Friends behind him; but to put the point clearly, he begged to move an addition to the proposed Amendment.

Amendment proposed to the said proposed Amendment, by adding, at the end thereof, the words—

"Provided always, That no urban sanitary district, whether including such adjoining houses or not, shall be deemed a town unless it contains two thousand five hundred inhabitants."—(*Mr. Shaw Lefevre.*)

Question proposed, "That those words be there added to the said proposed Amendment."

MR. W. E. FORSTER said, he thought the House must be tired of discussing the matter; but the reason for discussing it so closely was that the right hon. Gentleman found that after laying his Amendment on the Table of the House it was necessary to alter it. The right hon. Gentleman now proposed

to omit his definition with regard to a population of 2,500; and the result was, that it would be very difficult to carry out the distinction which every one wished to make between rural and urban districts. He thought a limited number should be fixed, and that 2,500 would be a reasonable number.

MR. ASSHETON CROSS said, that after putting public-houses and beer-houses on the same footing, they could not all at once reduce everything to the original limit and establish a hard-and-fast line. When he put his Amendments on the Paper, they included not simply towns but also parishes, which were afterwards changed to populous places. But when they came to decide what populous places were, they found that of about some 200 districts all but about 30 would be included in that category. Therefore, it would be idle to require the magistrates to call them populous places when they already had the definition of urban sanitary districts.

MR. CHILDERS said, hon. Members had come down expecting to be advised by the Government to define a town to be a place with 2,500 inhabitants, but suddenly the Government had abandoned that definition and proposed another, including all urban sanitary districts, however small, and leaving it to the justices to call any other place they wished populous. But, inasmuch as the former class would include small villages, justices would be utterly non-plussed on what plea to avoid extending the hour of 11 to all the country. By adhering to the original definition of a town, no injustice would be done.

SIR JOHN KARSLAKE said, he hoped the House would not adopt the addition proposed by the hon. Member, but would support the Government in striking out the words "two thousand five hundred." Population was a false test in a matter of this kind. The proposal of the Home Secretary gave a complete definition of a town without imposing a hard-and-fast line which would cause great injustice.

MR. LEEMAN said, he thought the Home Secretary must feel again the perilous position in which he had placed himself by his continual change of front. The hon. and learned Gentleman who had just sat down objected to the population test; but the question of population was that which the Government

itself had taken up. He submitted to the right hon. Gentleman that the clause as it stood was unworkable, especially in places where the jurisdiction on one side of the street was under the county magistrates, and on the other side of the borough magistrates, as was often the case.

SIR WILFRID LAWSON said, he hoped the House would allow him to say one word before the Question was put. He had not troubled them with any remarks during the progress of the Bill through Committee, but though he had not spoken, he had thought a great deal. The fact was that he did not know what to say, because the principle of the Bill had changed every day, and the details of it every hour. But he now spoke because it was evident to him that the Bill was getting from bad to worse, and they were retrograding at an unhappy pace. The right hon. Gentleman had already extended the hours of the beer-shops in all the small places within a radius of 15 miles from London by an hour at night; and the clause under consideration would, if carried, have the effect of giving another hour to the beer-shops through a large portion of the country. He asked, was it possible that hon. Gentlemen on the other side of the House—country Gentlemen representing large and influential constituencies—could support any extension of the beer-shop hours? The last thing he expected to find was the great party on the Ministerial benches extending the hours of sale for beer-shops. If this atrocious clause—he hoped the language was Parliamentary—were carried, all he could say was, that he should do his very best to get the Bill thrown out on the third reading. He did not suppose he should succeed; but he had no doubt that he should receive the support of a number of people to whom the common decency and credit of that House were dear.

MR. EVANS said, he had no desire to see the Bill rejected, but he knew of one particular case which would not be met by this provision, and which was a sample of others, and he should like to see an endeavour made to meet the requirements of such population.

Question put.

The House divided:—Ayes 137; Noes 247: Majority 110.

Mr. W. E. Forster

Question proposed,

"That the words 'and any collection of houses adjoining a town as so defined shall, for the purpose of the provisions of this Act with respect to the closing of licensed premises, be deemed to be part of such town,' be there inserted."

MR. LEEMAN said, that for the reasons he had given the House a few minutes ago he should propose that the House should now adjourn. He was quite certain the clause under consideration was both an unwise and an unworkable clause. They had seen again and again, night after night, Notices given in the morning, and when they came to discuss them in the evening, found that they were practically abandoned. It was therefore only just and fair they should have time for consideration of the words thus adopted by the House, and it was, he urged, important for the interests of the country and both sides of the House that an adjournment should take place.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(Mr. Leeman.)

MR. DISRAELI: This is a very remarkable Motion to make at the present hour of the night. I am quite sure that if the hon. Gentleman has any charges to bring against those who are conducting this Bill he could not have a better opportunity of doing it than the present, and he has no ground whatever, in my opinion, even if his statement were correct, for concluding with the Motion he has made. But I demur to the correctness of the statement. No changes of any importance have been made in the Government proposals. ["Oh, oh!"] At least there have been none but such as might be expected to occur in the conduct of a considerable Bill like the present. I trust that the House will reflect a little upon its position, and will recognize that this hour of the night is not a time to evade difficulties, but rather to meet and solve them. This is a moment when the mind of the House is matured, and when its energies come fresh from the spring. Half-past 11, in Committee of the Whole House—for we are virtually in Committee—is, I think, a time very favourable to the progress of business; and I trust, therefore, that the House will not assent to the suggestion of the hon. Member, but will proceed with the business in hand, and try, if possible, to finish it to-night.

MR. W. E. FORSTER said, that if the proposition of his right hon. Friend the Member for Chester (Mr. Dodson) had been accepted they would not be now in the difficulty in which they found themselves. They were not in Committee on the Bill, and the right hon. Gentleman ought to make some allowances on that account. His hon. Friend the Member for York (Mr. Leeman) who, it was fair to remember, had generally supported Government throughout the progress of this Bill, had not moved the adjournment on account of the lateness of the hour. It had been remarked by the right hon. Gentleman that the House was at present in a good condition for evading or solving a difficulty. [Mr. DISRAELI: Not to evade but to solve.] He (Mr. Forster) maintained that in order to solve difficulties like the present they needed the assistance of Government. Their difficulty, indeed, arose from the fact that they had not the assistance of Government. There were two grounds on which an adjournment might be asked for—one that the House was too exhausted to proceed, and the other that the Government did not seem to know its own mind. The latter was the case now. The right hon. Gentleman had said that this was not a matter of much importance; but, in reality, it was equal in importance to any other point connected with the Bill. Would the House allow him for a moment to go over the changes that Government had made. ["Oh, oh!"] It was natural that hon. Gentlemen who had supported Government in all the changes that had been made would not like to be reminded of them. In regard to the hour of closing public-houses, it had originally been proposed that outside the metropolis, in towns of more than 10,000 inhabitants, it should be 11.30, and that in all other places it should be 11. But a great pressure was put upon the Government, and an outcry came from all classes for closing at 11. They had agreed that all public-houses and beer-houses were to be put at the same hour; and, secondly, that all drinking houses in places not having 2,500 inhabitants were to be closed at 10. Thus had the Committee decided—that any towns having 2,500 inhabitants were to close at 11, and all places below at 10. Then came the right hon. Gentleman's Amendment.

[“Divide!”] Those were new matters which they were discussing now. The right hon. Gentleman’s Amendment was “That towns and populous places are both to be limited by a population of 2,500.” A few days ago the word “parish” was struck out of the Bill; and this very evening the right hon. Gentleman started a fresh Amendment. He (Mr. Forster) supposed the right hon. Gentleman to know how to act in the matter; but it was clear that pressure had been put upon the Government; and it was time that the Government should not be in such an ostensibly uncertain state of mind. He should say that it was impossible this Bill could be acceptable in its present state, and he thought the Government would act wisely by allowing the debate to be adjourned.

MR. ASSHETON CROSS said, he thought they had better proceed with the business of the Bill, and the questions which had nothing to do with it he was inclined to put on one side. When the right hon. Gentleman took upon himself to instruct the House, he should, at all events, try to be correct. First, he said that the Government had originally made up their minds that all places with 2,500 inhabitants should close at 11 o’clock. Now, in that the right hon. Gentleman was not correct. The right hon. Gentleman was inaccurate also in saying that the House was considering and discussing propositions different from what the Government had originally placed upon the Paper. The proposition of the Government was that 11 should be the hour in towns and populous places being urban, sanitary districts of over 2,500 inhabitants, and populous places, having no such limit. It mattered not whether the alteration expressed “towns” or “populous places.” It was proposed simply to change the places from one category to the other, without making the slightest change really in the Bill. Practically, the present Amendments were the same as the Government had originally presented to the House.

MR. DODSON, said, the Government had conducted the Bill with so much versatile ability that it was difficult to give the history of it. The Government had been recently congratulated on having a “back-bone,” but it might now be more accurately said that they were an “invertibrate” Government.

Mr. W. E. Forster

There was nothing but “chopping and changing” from one Amendment to another. They professed to abolish magisterial discretion as to hours, but they were re-introducing such a discretion by the clumsy machinery of a discretion as to areas. The limit of population had been removed from town, and the Government definition of populous places was no definition at all. Under those circumstances, they were entitled to ask for an adjournment of the debate, that they might have time to consider the various definitions of populous places. He might, in conclusion, say that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had told them a few minutes ago that the House was in “a discreet mood,” but one of the changes that the Home Secretary was liable to had come over him since the Premier spoke five minutes ago.

Question put.

The House divided:—Ayes 134; Noes 251: Majority 117.

Question again proposed, “That those words be there inserted.”

MR. BRISTOWE said, he was not very much surprised by the majority which the Government had just obtained in the last division. The reasons which had been urged for further consideration by his hon. Friend who moved the adjournment of the debate had not been answered by the Members against the Motion, and he should therefore move that the House do now adjourn.

Motion made, and Question proposed, “That this House do now adjourn.”—*(Mr. Bristowe.)*

MR. DISRAELI: I regret that hon. Gentlemen opposite are losing their appreciation of the constitutional principle of government by majority. When I sat on those benches, of which I have had much experience, I was always ready to assert the rights of my friends; at the same time, I wished never to interfere with the legitimate course of Public Business when I felt that my opponents were supported by an unmistakable expression of opinion by those who sat behind them. Notwithstanding the epigrammatic conciseness with which the Motion has been made, I think, upon reflection, the hon. and learned Member for Newark (Mr. Bristowe) will see the propriety of withdrawing it. I need not

appeal to all opposite, because I am proud to remember that I saw many beside me in the Lobby just now. I wish only now to suggest that the last half-hour of our experience should be swept from our consciousness. If we had pursued our labours, we might have concluded the Report. Therefore, I trust the hon. and learned Member for Newark will not persist in his Motion, but will recollect there probably never was a time in which the Opposition could obtain less advantage by a course of that character. We are all animated by a desire to do our duty to our constituents, and I hope the hon. and learned Member will withdraw the Motion, which, in the spirit of courtesy, I will not describe as unreasonable; and, with that good temper which is necessary in an Assembly like this for the due transaction of Public Business, will allow us to proceed with the Report so as to conclude it to-night.

SIR WILLIAM HARCOURT said, that any opinion expressed by the right hon. Gentleman with respect to constitutional principles was, no doubt, entitled to every respect; but he did not recollect that the principle now laid down had been adhered to by the right hon. Gentleman and his Friends during the five years of the last Parliament. The hon. Gentleman the Under Secretary for the Colonies (Mr. Lowther), whom he did not now see in his place, and other hon. Members, as soon as they saw the hands of the clock moving to the figure of 12, moved the adjournment, no matter what the question was—the Irish Church Bill, the Irish Land Bill, the Ballot Bill, or any other important measure. They heard nothing then of the constitutional principle now laid down by the right hon. Gentleman. He was bound to confess that the right hon. Gentleman generally retired early from those contests, which sometimes lasted up to five o'clock in the morning. Like the Captain—

“He fled full soon on the 1st of June,
And bade the rest keep fighting.”

Hitherto the House gained by adjournments and postponements, because they got the second, third, fourth, fifth, and sixth thoughts of the Government; and why should hon. Members despair of the Home Secretary producing in a day more, or two or three days, from the depths of that “inexhaustible versa-

tility” with which the right hon. Member for Chester (Mr. Dodson) had credited him, a perfect solution of the difficulty? He should support the Motion for adjournment.

Question put.

The House *divided*:—Ayes 131; Noes 244: Majority 113.

Question again proposed, “That those words be there inserted.”

LORD GEORGE CAVENDISH said, he objected very much to wasting the time of the House, but unfortunately it seemed to be the case that when these Licensing and Beer Bills were under discussion, the House, and perhaps the Government, got into a very hazy state. A great many changes had been made in the Bill. One day it was understood that the public-houses were to be closed at 7, on another at 6, and so great had been the changes with reference to towns and populous places, that it was almost impossible for anyone to know what he was voting for. He confessed that he had never felt greater difficulty in knowing exactly on what question he had voted, and he thought the same thing applied to all the hon. Members, for whenever there was a division there was a great rush of Members to know what they were dividing about. He thought, therefore, it would be better to adjourn this debate while they were all in good humour. If this conflict proceeded, the result would be, as had happened on other occasions of a similar kind, that they would only get slightly irritated with each other, and think to-morrow morning what fools they had all been. The right hon. Gentleman at the head of the Government had told them a short time since that some of the Members on that side of the House had voted with them; but he (Lord George Cavendish) was informed that one of the most respected county Members on the other side had voted with the Opposition. He thought they would do well to adjourn the debate, and he would, accordingly move that it be now adjourned.

MR. DISRAELI: I thoroughly agree with the noble Lord that it is always desirable to conduct the affairs of this House with good humour, and I am not at all sure that we might not have conducted them with still greater good humour this evening, had we been favoured with a larger share of the company of

the noble Lord; but I am afraid he has only joined our Council at this moment of distraction which he so much regrets. I, however, agree with him that there may be something in the subject which may, perhaps, render it desirable that we should all of us sleep upon the conclusions at which we have arrived. I am not desirous at all, at any time, to conduct the Business of the country in a manner which is not agreeable to both sides of the House; and, therefore, I will endeavour to make an arrangement which I hope will meet with the views of all hon. Members, and which will, at the same time, allow us to conduct Public Business in a manner which will be satisfactory to the country. I therefore, Sir, will not oppose this Motion for the adjournment of the debate; but what I propose is that we have a Morning Sitting, and I think we shall, under that rule which I myself many years ago had the honour to propose in this House, and which has generally been believed to work in a very healthy and advantageous manner, then be able to bring our minds, and the mind of the noble Lord amongst others, calmly to the consideration of this Business. I shall, therefore, at the proper moment—it being now half-past 12 o'clock—move that the House, on its rising, do adjourn to this day at 2 o'clock.

Mr. W. E. FORSTER said, that the side of the House on which he sat would have no objection to the arrangement proposed by the right hon. Gentleman. There was no desire on their part to impede the progress of this measure. The ground upon which these Motions had been made was the sudden change that had occurred in the mind of the Government. No discussion had ever been conducted in that House with a greater desire to help the Government than that on this Bill. He hoped that the Government would have made up its mind by to-morrow as to how they would deal with the important matters affected by this measure.

Mr. KAY-SHUTTLEWORTH said, he hoped the right hon. Gentleman would have any further alterations or Amendments he proposed placed on the Paper before the House adjourned.

Mr. ASSHETON CROSS said, he had never made any change to-day at all. ["Yesterday."] Nor did he make any change yesterday. The only change

was that certain towns should be put in one list instead of another.

Mr. GOSCHEN remarked that the right hon. Gentleman had two or three times told them that it was the same thing that these towns were in one list or another. Did he repeat that? [Mr. ASSHETON CROSS: Yes.] Well, in the one case they were liable, and in another case they were not. All the assertions of the right hon. Gentleman that he had not changed would not change the opinion of the House, and he hoped it would not change the opinion of the country.

SIR WILLIAM HARCOURT observed, that there was a very easy way in which the right hon. Gentleman could show that he had not changed the Bill, and that was by his not changing his word. If he kept to his word of that morning, they would know that he had made no change; but if he did not, he must not quarrel with them if they inferred that he had reasons for doing so.

MAJOR O'GORMAN: Sir, seeing the effects of sorrow, upon my life I thought it was to-morrow. Really, Sir, I do not know whether it is to-morrow or yesterday, but I want to know at what hour the House will meet.

Motion agreed to.

Mr. DISRAELI moved that the adjournment be till 2 o'clock to-morrow.

Motion agreed to.

Debate adjourned till To-morrow, Two of the clock.

MUNICIPAL PRIVILEGES (IRELAND)

re-committed BILL—[BILL 119.]

(Mr. Butt, Sir John Gray, Mr. Bryan,
Mr. P. J. Smyth.)

COMMITTEE.

(In the Committee.)

Mr. VERNER moved that the Chairman report Progress, alleging that the hon. Member for Armagh (Mr. Vance) and other Members had left the House under the full impression that the Bill would not be proceeded with at so late an hour.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Verner.)

SIR MICHAEL HICKS - BEACH thought that a question of such import-

Mr. Disraeli

ance should not be proceeded with at so late an hour.

MR. BUTT, who had charge of the Bill, opposed the Motion, urging that he could not get any other time for bringing on the Bill, and that he had a distinct pledge from the Chief Secretary that the Government approved of the Bill in principle.

MR. D. PLUNKET said, the Bill was, he believed, opposed to the opinion of every well educated and respectable person in Dublin.

MR. BUTT reminded the Chief Secretary for Ireland that he gave a distinct pledge that he would not attempt to alter the principle of the Bill or delay its progress.

SIR MICHAEL HICKS - BEACH said, he did not violate any pledge in objecting to go on at that hour.

Question put.

The Committee *divided*:—Ayes 75; Noes 47: Majority 28.

Committee report Progress; to sit again *To-morrow*.

POOR LAW GUARDIANS (IRELAND) BILL—[BILL 95.]

(*Sir Colman O'Loghlen, The O'Connor Don, Mr. Callan.*)

SECOND READING.

Order for Second Reading read.

SIR COLMAN O'LOGHLEN moved that the Bill be now read a second time, the object of which was to enable Poor Law Guardians to be elected by ballot.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Colman O'Loghlen.*)

MR. D. PLUNKET moved the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Plunket.*)

The House *divided*:—Ayes 67; Noes 39: Majority 28.

Debate *adjourned* till *To-morrow*.

WORKING MEN'S DWELLINGS BILL—[BILL 22.]

(*Mr. Whitwell, Mr. Morley.*)

COMMITTEE.

(*In the Committee.*)

Clause 4 (Land vested in corporations of boroughs may be laid out in sites for dwelling-houses).

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Amendment proposed,

In page 2, line 8, after the word "borough," to insert the words "subject to the powers and restrictions contained in section ninety-four of fourth and fifth William the Fourth, chapter seventy-eight."—(*Mr. Whitwell.*)

Question proposed, "That those words be there inserted."

Whereupon Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Monk.*)

The Committee *divided*:—Ayes 24; Noes 79: Majority 55.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

SHANNON NAVIGATION BILL.

On Motion of MR. WILLIAM HENRY SMITH, Bill to amend and enlarge the powers of the Acts relating to the Navigation of the River Shannon; and for other purposes relating thereto, ordered to be brought in by MR. WILLIAM HENRY SMITH and SIR MICHAEL HICKS-BEACH.

Bill *presented*, and read the first time; and referred to the Examiners of Petitions for Private Bills. [Bill 157.]

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, 19th June, 1874.

MINUTES.]—SELECT COMMITTEE—Representative Peers for Scotland and Ireland, appointed.

First Report—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod.

PUBLIC BILLS—First Reading—Prayer Book (Rubrics)* (122); Canadian Stock (Stamp Duty on Transfers)* (124).

Second Reading—Elementary Education Provisional Order Confirmation* (88); County Courts* (117); Public Health (Scotland) Supplemental* (106); Land Tax Commissioners Names* (102); Bar Admission Stamp* (105); Churches and Chapels Exemption (Scotland)* (114); Elementary Education Provisional Order Confirmation (No. 2)* (108).

Committee—Report—Local Government Board's Provisional Orders Confirmation (No. 3)* (82); Four Courts Marshalsea (Dublin)* (107); Harbour of Colombo (Loan)* (101); Revenue Officers Disabilities* (94).

Report—Public Worship Regulation (96-123). Third Reading—Local Government Provisional Orders (No. 2)* (92); Statute Law Revision* (77), and passed.

F

CONTAGIOUS DISEASES OF ANIMALS—
REGULATIONS FOR GREAT BRITAIN
AND IRELAND.—QUESTION.

THE EARL OF KIMBERLEY asked the Lord President, Whether it is the intention of the Government to take steps to carry into effect the recommendations of the Select Committee of the House of Commons of last Session, that the regulations in Great Britain and Ireland with regard to contagious diseases of animals should be similar? He said, that last Session a Committee of the other House of Parliament was appointed to inquire into the operation of the Contagious Diseases (Animals) Acts. That Committee made some very important recommendations; among them, they recommended that cattle should be slaughtered at the place of importation. In pursuance of those recommendations the compulsory slaughter at the landing place of animals imported from foreign countries, affected with pleuro-pneumonia had been rigorously enforced, and the order issued by the Privy Council last year in respect of the foot-and-mouth disease had been withdrawn; but no steps had been taken to enforce such compulsory slaughter in Ireland, nor had the Irish Government taken steps to prevent the shipment of diseased or infected cattle for England. He believed one of the reasons for that was the difficulty arising from the want of proper machinery, such as existed in England and Scotland; and another was a defect in the Act providing for the payment of compensation in the case of animals slaughtered under the compulsory order. But he wished to point out that great inconvenience and danger resulted from having one set of regulations in this country, and another and a different set in Ireland. To allow animals to come into this country from Ireland, when the compulsory slaughter of diseased animals was not carried out in that country, while it was enforced here, was like letting water run out at one end of a cask, while it was poured in at the other. He did not mean to say that the number of diseased animals was proportionately greater in Ireland than in this country, but there must be disease among the cattle there, and he knew that thousands of Irish beasts came over to Norfolk every year. Now, as long as this importation was allowed from Ireland, it was impossible

that the disease should be stamped out in England. There was great difference of opinion as to whether compulsory slaughter was likely to stamp out the disease, but there was a concurrence of opinion that to be of any use, the regulation must be stringent and universal in its application. The experience of other countries showed that partial measures were of no use. As regarded the foot-and-mouth disease, the Committee of last year was of opinion that we had no means of stamping it out without the adoption of more stringent regulations than could well be put in force in the case of such a disease. His noble Friend the President of the Council had recently made an Order for certain regulations in respect of this disease; but he concurred with the Committee in thinking that such regulations would be of no use. He admitted the subject to be one of great practical difficulty, but he thought that something might be done to correct this anomaly at least. He begged to ask the Lord President whether it was the intention of the Government to take steps to carry into effect the recommendation of the Select Committee of the House of Commons of last Session, that the regulations in Great Britain and Ireland with regard to contagious diseases of animals should be similar?

LORD DUNSANY said, he would remind the noble Earl who had just spoken that the circumstances of the two countries were different. Ireland was an exporting and not an importing country in respect of cattle; so that the same set of regulations were not applicable to both. He admitted that it was very desirable to adopt all possible measures to prevent the cattle disease from being brought into England, but the noble Earl pointed, he thought, to the wrong remedy. He had heard a noble Lord (Viscount Portman) who was a good authority on such matters say, that a number of cattle which had left Ireland in a healthy state were found to be diseased when they arrived in Dorsetshire. This was attributed to the treatment they had sustained on the journey. Sufficient attention was not paid to the cleansing of cattle trucks and the supplying of the animals with food and water while on their journey. Whatever regulations they made, they could never secure themselves against infecting

sound animals, unless proper measures were taken with respect to the mode of conveyance. He believed that cattle never were exported from Ireland in a diseased condition.

VISCOUNT PORTMAN was of opinion that a great deal might be effected by stringent regulations in the case of pleuro-pneumonia. But in the case of foot-and mouth disease, it was very important not to insist on any rigid rule, for there could be little doubt that disease was propagated by animals being put on board vessels and into railway trucks which had not been properly cleansed after they had been occupied by other animals which had perhaps left diseased saliva. Animals on their journey ought to have food and water; but frequently they were left without either. They were hurried into hot and tainted ships without water or food, taken into the markets already infected, often had no food, but were sent by rail in tainted trucks, and by the time they arrived at a farm were in a state of fever, which threw itself out in the shape of foot-and-mouth disease. Then it was necessary to manage them very carefully, and if the farmer was left to his discretion he could generally restore the health of the animals. It was right to prohibit the moving of diseased animals on any road. The cattle plague had almost disappeared from those districts in which the system of stamping out and compensation had been adopted; but the farmers in his part of the country would have preferred being let alone rather than that the recent regulations as to the foot-and-mouth disease should have been sent down to their part of the country.

THE MARQUESS OF BATH said, he must differ from the noble Viscount. He believed the farmers in Wilts and Somerset would not have preferred to be left without these regulations. They desired to see the most stringent measures adopted. They wanted to be protected against persons who brought diseased cattle into the country.

THE EARL OF AIRLIE expressed himself strongly in favour of the most stringent regulations in this case of the importation of Irish cattle, and in proof of the necessity said, he was informed that at this moment pleuro-pneumonia was raging among the cattle in the Phoenix Park, Dublin. He (the Earl of Airlie) had been told by the hon. Mem-

ber for Forfarshire (Mr. Barclay), who was a Member of the Committee appointed last year, that the restrictions as proposed were quite as much in the interest of the Irish as in that of the English agriculturist. His hon. Friend mentioned that it was not an uncommon thing for the purchaser of cattle from Ireland to give a conditional premium of £1 a-head if, within six months of landing, the cattle turned out to be free from disease. He was very glad that his noble Friend (the Earl of Kimberley) had called the attention of the House to the want of uniformity between the regulations in England and Ireland. It was especially desirable that uniformity should exist in the interest of Scotland.

LORD EGERTON OF TATTON was of opinion that in some districts of this country there had not been sufficiently stringent action on the part of the local authorities. Stringency was not enough—uniformity of action was indispensable.

THE DUKE OF RICHMOND said, he quite agreed with his noble Friend in one thing—namely, that this was a most difficult subject to touch. The opinions just expressed by noble Lords on both sides were as much at variance as any opinions could be on any subject. Then what had happened at the Privy Council Office since he came into office? The variety of opinions in their Lordships' House was a reflex of public opinion out-of-doors; for since he had been in office he had received one deputation who requested him to do away with all restrictions, and based the request on the ground that the country would not stand such interference with the supply of food to the people. The policy recommended by that deputation was that the disease should be allowed to take its course and the animals to take their chance. But no sooner had he civilly bowed out those gentlemen than another deputation presented itself, and the gentlemen composing it urged that it was the duty of the Privy Council to issue the most stringent regulations, as the supply of animal food to the large masses of the people depended on the stamping out of the disease, which could be effected only by such regulations. There had also been contrary utterances from different Societies, and at a meeting of a Society which ought to be an authority on such subjects—the Royal Agricultural Society of England—a motion for a

deputation to him with the view of urging the reimposition of a regulation which had been relaxed was carried by only the casting vote of the Chairman. With regard to Ireland, the power of issuing an order for compulsory slaughter was vested in the Lord-Lieutenant in Council; but one difficulty arose from the fact that in Ireland there was no "local authority," and it devolved upon the constabulary to carry out the Orders of the Irish Privy Council. The constabulary were obliged to employ Inspectors, who were not as numerous in Ireland as in this country. Again, up to almost the present time there was a difficulty in regard of compensation, which difficulty arose from a doubt as to the wording of the Act. He had this Session brought in a Bill which had passed through both Houses to enable the Irish Government to overcome that difficulty, and providing funds out of the National Exchequer for that purpose. He believed, therefore, that there was no necessity for further legislation to enable the Irish Government to make an order for compulsory slaughter and to compensate the owners of the animals. A deputation appointed by the Quarter Sessions of the West Riding of Yorkshire waited upon him yesterday to complain that compulsory slaughter put that Riding to a great deal of unnecessary expense. He could not say that he agreed with the views put forward by that deputation. On one point there might be a great improvement in Ireland. There should be a better inspection of cattle there; and in order to effect that object he had been in communication with his right hon. Friend the Chancellor of the Exchequer, whose concurrence in the appointment of additional Inspectors it was necessary for him to obtain. As to what his noble Friend (Viscount Portman) had said respecting the regulations in his part of the country, he must pair him with his noble Friend the noble Marquess (the Marquess of Bath) who had followed him in the debate. He had done what appeared to him to be best under the circumstances. He regretted to say there had been an outbreak of the foot and mouth disease in parts of Scotland, and an Order was issued re-imposing the former Order in Council which gave the local authorities power, where they thought fit, to deal with that disease.

The Duke of Richmond

The Order did not impose compulsory regulations on every county, but it enabled the local authorities to deal with it when there was a considerable outbreak of the disease. It was true the Committee of last Session came to the conclusion that unless measures of a very stringent character, such as this country would not like to agree to, were adopted, it was better to have no regulations with respect to the foot and mouth disease. He had very generally followed that recommendation and had done as little as possible unless in cases in which he thought some action was absolutely necessary, and therefore in the case of Scotland he had lost no time in putting restrictive measures in operation. He was aware that there were two parties to be considered—the consumer and the producer—and he had no desire whatever to harass the latter.

REPRESENTATIVE PEERS OF SCOTLAND AND IRELAND.

ADJOURNED DEBATE RESUMED.

Order of the Day for resuming the adjourned debate on the Earl of ROSEBURY's Motion—

"That a Select Committee be appointed to inquire into the present method of electing the Representative Peers for Scotland and Ireland, and to report whether any changes are desirable therein,"

read.

Debate resumed accordingly.

LORD SELBORNE said, his noble Friend Lord Granville, who was not now present, had suggested an Amendment of the Motion, which the noble Duke the President of the Council said he would consider. His noble Friend had come to the conclusion that the best Order of Reference would be that made to the Committee in 1869—namely, that the scope of the Committee should include the consideration of the laws relating to the Representative Peerage of Scotland and Ireland. So far as the law relating generally to the Peerage of those parts of the United Kingdom had a bearing—as it unavoidably must have—upon the Representative Peerage, it would, of course, be included in the inquiry; and it did not seem to be either necessary or expedient to go further.

THE DUKE OF RICHMOND said, that having, since the subject was brought before their Lordships on the 12th of June,

last, had an opportunity of considering these questions, he was willing to consent, on the part of the Government, that the scope of the inquiry should be extended a little beyond what was included in the noble Lord's Motion, and would therefore accept the Order of Reference of 1869, which was in these terms:—

"That a Select Committee be appointed to consider the state of the Representative Peerage in Scotland and Ireland and the laws relating thereto."

LORD ELPHINSTONE said, he wished to make a few observations upon the remarks that fell from the noble Earl when moving for this Committee. The noble Earl said that a Peer of Liberal politics had no chance of being returned as a Representative, and therefore suggested that the cumulative vote should be substituted for the present mode of election. He was, perhaps, not aware of the politics of the Peers of Scotland. Out of the 34 Peers without hereditary seats, including the 16 Representatives, 27 were Conservatives, three had no politics, and four were Liberals, one of those four being already a Representative. It would be therefore difficult to make out a grievance for the Liberal Peers of Scotland so far as representation was concerned. He thought he should not be out of place, as a Representative Peer for Scotland, in taking this opportunity of pointing out what was the impression not only of the Scotch Peers but of the people of Scotland generally with reference to the present position of the representation of the Scotch Peerage in their Lordships' House. The views not only of the Peers of Scotland, but of the people at large, were that the Union of the two countries had now become so real and so complete that the time had arrived when all Peers of Scotland had a claim to be relegated to their ancient Parliamentary rights and privileges, such as they had enjoyed in the ancient Parliament, and as had been exercised by most of them for centuries before the Act of Union. They desired, in short, the absorption of the whole of Scotch Peerages into the Peerage of the United Kingdom. It might be said that one great objection to so large a measure of absorption as this would be that the number of Members of their Lordships' House would be increased to an unman-

ageable extent. But if that were really the great objection, they might absorb the Scotch Peerage gradually by taking in a part every year. What the people of Scotland wanted to see was not the immediate absorption, but that they might be in a position to look forward to some particular and definite time when they might conclude that the whole Peerage of Scotland would be absorbed into that of the United Kingdom. It might be said that at the present time the Scotch Peerage was being absorbed into that of England; and he admitted that such an absorption was going on, but it was going on in a most uncertain manner. Taking the last three or four decades, for instance, they would find that if they took the statistics of the absorption of the Peerage between the years 1830 and 1840, eight Peerages had been absorbed within that period—five of them in the single year 1831. Again, between 1840 and 1850, two Peerages only had been absorbed; and between 1850 and 1860 two others—and one of these Peers died without taking his seat; whereas between 1860 and 1870 one Peerage only had been absorbed. If the absorption of the Scotch Peers did not go on at a more rapid rate than that, it would take something like three or four centuries to absorb them all. He must not omit to add, however, that between 1870 and 1874 four Scotch Peerages had been absorbed into the Peerage of England. There was another point on which the people of Scotland felt strongly, and that was that the Scotch Peers ought to sit and vote under their own titles, and not under the English titles; and yet the universal practice was that whenever a Scotch Peer was made a Peer of the United Kingdom, he could only sit in the House of Lords under his English title; and the result was that an illustrious name that had been in the history of his country for centuries, was completely eclipsed by some modern English title. As an instance of this, he would instance the case of the Duke of Argyll, who sat in the House of Lords under the title of Lord Sundridge. Yet the Duke in Scotland bore a name which had been illustrious and connected with the history of the country for centuries; it was under that name he was known throughout Scotland, and all the noble deeds done by the family had been done

under that name. Why, then, should it be that he must sit in that House as a simple Baron of the United Kingdom? He could not but think that the Government was somewhat hostile to allowing the Scotch noblemen their privileges. The noble Duke, being a Peer of Scotland, ought to sit in the House of Lords as a Peer of Scotland. If he himself were made a Peer of the United Kingdom, he should be obliged, when entering their Lordships' House, to sink 365 years of his family history, and take his seat as the junior Baron in the House. Suppose a distinguished Scotchman was sent abroad in the character of the Governor of a colony, or suppose he rendered distinguished military services abroad, and when he returned home his services were so recognized that both Houses of Parliament accorded him a unanimous vote of thanks. But the Crown was anxious to confer a more tangible mark of approbation. In the case of a Peer of the United Kingdom, there was but one mode in which this could be done—he would be raised to a higher grade in the Peerage; but the Peer of Scotland was rewarded by a British Peerage—in other words, he was raised to a position of equality with Peers 300 or 400 years his junior. No one felt the privilege of sitting in their Lordships' House more than did the Peers of Scotland, but still they were of opinion that they ought to be able to sit in that House under their Scotch titles. Then, with respect to the House of Commons, it had been suggested that he should be allowed to sit in the House of Commons. No one less than himself was disposed to underrate the privilege of sitting in that House; but the Peers of Scotland were created Peers of Parliament, and as Peers of Parliament the House of Lords alone was the House in which they had a right to sit. Peers of Scotland were Peers of Great Britain, and unless a Bill was brought in to enable all Peers of Great Britain to sit in the House of Commons, they could not open that House to the Peers of Scotland. It was said that these arrangements had been settled by the conditions stated in the contract and Articles of Union; but he contended that the frequent changes of the other Articles of Union would quite justify their giving way upon this point. There were 25 Articles of Union, and from the 1st to

the 15th they might all be described as Articles equalizing various matters as between the two nations. But the 16th Article provided that the Mint should be retained—whereas the Mint had been abolished. The 19th said that the Court of Admiralty should be maintained; but that had been amalgamated with the Court of Session; and the same with the Exchequer Courts. The 22nd Article related to the placing of the Members in both Houses of Parliament—namely, 16 in the House of Lords, and 45 in the House of Commons; but the number in the House of Commons had been twice altered—so that every one of the Articles of Union had been changed. And, if they went by the Articles, they formed a stronger ground and a stronger argument for enabling the Scotch Peers to sit in their Lordships' House than any that could be brought. He assured their Lordships there was a considerable feeling of discontent in Scotland upon this subject, and he asked whether, if the Articles of Union were now being framed, the people of Scotland would be content with such a miserable fragmentary representation in that House as they possessed? Considering the closeness of the union of the two countries, and the fact that the Scotch Peers were as high in rank as the English Peers—considering also the very large number of creations since the union of the two countries, he asked whether it was just that they should remain in their present position? For a long period Scotch Peers had been suffering under disabilities and disqualifications, and there was a very strong feeling of dissatisfaction existing among them—a feeling far more dangerous to every political party than open and avowed hostility. If it had been the case with respect to English Peers, he was quite sure they would not be satisfied; and, on the principle of doing what they would be done by, he thought the claim of the general body of the Scotch Peerage to sit in that House ought to be recognized.

THE EARL OF MALMESBURY regretted to hear the noble Lord say, that he considered Her Majesty's Government hostile to the feelings and claims of the Peers of Scotland. Nothing could be further from the views of the Government, as they had proved by having willingly consented to the Committee moved for. He had listened

Lord Elphinstone.

with great attention to the noble Earl (the Earl of Airlie). No doubt, there was great anomaly in reference to the Peers of Scotland—some of them sitting in their Lordships' House, and others not; and there was also a great anomaly in the fact that no Scotch Peers could sit in the House of Commons, while that privilege was accorded to Irish Peers. There were, however, other anomalies which existed in the British Constitution; and, considering that the Government had not been in existence for more than three months, they were hardly responsible for the state of things which had existed for a century. He assured the House that the Government, far from having any hostile opinion whatever to the Peers of the two countries concerned, were most anxious to investigate the case and give it the very fullest consideration.

THE EARL OF ROSEBERY addressed to the House a few observations, which were inaudible.

Motion agreed to.

Original Motion (by leave of the House) *withdrawn*; and a Select Committee appointed to consider the state of the Representative Peerage of Scotland and Ireland, and the laws relating thereto.

And on Thursday, June 25, the Lords following were named of the Committee:—

Ld. Privy Seal.	L. Elphinstone.
E. Doncaster.	L. Ponsonby.
E. Haddington.	L. Inchiquin.
E. Airlie.	L. Rosebery.
E. Lucan.	L. Oxenfoord.
E. Belmore.	L. Monck.
V. de Vesci.	L. O'Hagan.
V. Halifax.	L. Carlingford.
L. Saltoun.	

PUBLIC WORSHIP REGULATION

BILL—(No. 96.)

(The Lord Archbishop of Canterbury.)

REPORT OF THE AMENDMENTS.

Amendments reported (according to Order).

Clause 7 (Appointment, duties, and salary of Judge).

Amendments made.

THE ARCHBISHOP OF YORK moved, in page 3, line 5, after ("parish") to insert—

("provided that such owner or tenant shall have his usual place of abode not further than three miles from such church.")

THE EARL OF HARROWBY was understood to object to any limitation of the right, being of opinion that in cases of incumbents acting illegally any person interested in a parish should have the power of bringing the question before the proper authorities.

Amendment negatived.

THE ARCHBISHOP OF YORK moved to insert as a separate sub-section, after ("England")—

("Whosoever a vacancy shall occur in the office of official principal of the Arches Court of Canterbury the judge shall become *ex officio* such official principal, and all proceedings thereafter taken before the judge in relation to matters arising within the Province of Canterbury shall be deemed to be taken in the Arches Court of Canterbury; and whosoever a vacancy shall occur in the office of official principal or auditor of the Chancery Court of York the judge shall become *ex officio* such official principal or auditor, and all proceedings thereafter taken before the judge in relation to matters arising within the Province of York shall be deemed to be taken in the Chancery Court of York; and whosoever a vacancy shall occur in the office of Master of the Faculties to the Archbishop of Canterbury, such judge shall become *ex officio* such Master of the Faculties.")

Amendment agreed to.

EARL NELSON moved to insert after the sub-section now *agreed to*—

("No judge shall be appointed under this Act until a vacancy occurs in the judgeship of the Court of Arches, and until such vacancy the judge of the Court of Arches shall act as the judge under this Act for the province of Canterbury, and the official principal of the provincial Court of York shall act as such judge in the province of York.")

THE ARCHBISHOP OF YORK pointed out that this Amendment would, if *agreed to*, entirely annul a clause already sanctioned, which gave power to the two Archbishops to appoint a Judge of the New Court within six months.

LORD SELBORNE called attention to the amount of salary proposed to be given to the Judge of the New Court, and intimated an opinion that the House of Commons would very probably consider that the ecclesiastical funds in the hands of the Commissioners were public property, and that the Court being instituted for ecclesiastical purposes, the Judges' salary should be paid from those funds.

THE LORD CHANCELLOR said, the clause provided that the salary of the new Judge should be £4,000; but he thought the proposition now made ought to be regarded as provisional only.

Their object ought to be to provide such a salary as should secure the services of the ablest man; but, on the other hand, it ought not to be larger than the exigencies of the service to be performed. He thought £4,000 too large, and that it would be better to begin with naming £3,000.

LORD SELBORNE said, he agreed in the suggestion of his noble and learned Friend on the Woolsack.

THE EARL OF SHAFTESBURY said, that £3,000 was the sum which he put into all the Bills which he had introduced on the same subject.

LORD HATHERLEY felt confident that £3,000 would be sufficient. A larger sum might cause the shipwreck of the Bill in "another place."

Motion negatived.

Amendment moved to insert—

("Any salary or emoluments which such judge shall be entitled to receive from the said offices, other than the office of judge under this Act, shall be paid over by him to the Ecclesiastical Commissioners for England, and all fees payable in respect of proceedings before the said judge under this Act shall also be paid over to the Ecclesiastical Commissioners. The Ecclesiastical Commissioners shall pay to the said judge by equal quarterly payments such salary as shall be assigned by the Queen, by Order in Council, not exceeding the sum of three thousand pounds per annum.")

Amendment agreed to.

Clause 8 (Representation by Archdeacon, rural dean, churchwarden, or parishioners).

EARL NELSON moved to add a Proviso—

("And that after the 1st of January, 1877, no proceeding shall be begun under this Act as regards any alteration in or addition to the fabric of the church, or any decoration introduced into the church which has not been made or introduced within the last preceding two years.")

His object was to prevent an incumbent being proceeded against for anything which might have been done by his predecessor. If anything had been in a church for two years, people would have become used to it, no offence was felt, and there might be as much objection to its removal as there might have been in the first instance to its introduction; and when people had become accustomed to things they ceased to have any meaning, and therefore it was not worth while disturbing the peace of a parish by interfering with them.

The Lord Chancellor

THE ARCHBISHOP OF YORK said, the Amendment would make that which was unlawful in itself lawful by prescription.

THE MARQUESS OF SALISBURY said, it did not follow that there should be an unlimited time allowed for the commencement of proceedings. In some cases the removal of ornaments to which the people had become accustomed would cause heart-burnings in the parish. He thought some limit should be enacted.

THE EARL OF KIMBERLEY said, a distinction should be made between the fabric of a church and the ornaments used in a church. The fabrics could not be altered without much expense, but ornaments were illegal, and could be easily removed at any time.

After a short discussion, in which the Marquess of BATH and Lord SELBORNE took part,

THE LORD CHANCELLOR approved the object of the Amendment, but suggested that the matters or things which might be the subject of proceedings should have been introduced within the preceding five years.

Amendment (by leave of the Committee) *withdrawn.*

Then Amendment made—

"Provided that no proceedings shall be taken under this Act as regards any alteration in or addition to the fabric of the church completed five years before the passing of this Act."

THE DUKE OF RUTLAND proposed to add Proviso to Clause 8—

("Provided always that in the case of the complaint being made by the churchwardens or any three parishioners before representing the same to the Bishop they shall duly summon a vestry of the said parish, and submit the cause of complaint to the said vestry, and according as the said vestry by its majority shall decide, they shall forward to or withhold the said complaint from the Bishop, the names of the voters and how they voted being recorded in the minute sent to the Bishop.")

He considered that this provision would be a great safeguard. The vestry would act as a sieve through which the complaint would be strained—the wheat would be kept, and the chaff swept away.

THE BISHOP OF LONDON trusted that the noble Duke would, at all events, except the diocese of London from the operation of the Amendment. There were a great number of the churches in London that had no connection with any vestry. For instance, in the parish of

St. Pancras, there was but one vestry and 28 churches, and in Marylebone there were 26 churches. The fact was, the vestries of those places had no more to do with some of the churches than any other vestry in England. He could not see how such a procedure as that proposed by the noble Duke could be considered as likely to promote harmony in a parish.

THE MARQUESS OF BATH also recommended the noble Duke not to press the Amendment, while he was at the same time of opinion that some such safeguards as his noble Friend contemplated would be required. The pretext for this Bill was that the feelings of the congregation were not respected; but by the Bill the feelings of the congregation were entirely ignored. The only person to whom the incumbent would have to look for protection would be the Bishop; and who would be opposed to him? Not the congregation, but some two or three persons who would be set in motion by a Church Association.

LORD DYNEVOR defended the Church Association from the attack of the noble Marquess. He was a member of the Church Association, and the reason was because the Bishops had, over and over again, declared it impossible for them to keep some of their clergy in order. He knew a large city in which practices were carried on which the Bishop was most anxious to put a stop, but could not, and the Bishop told him so. One Prelate informed him that he was £3,600 out of pocket by a case he had taken up. Under these circumstances, people were justified in uniting and forming an association. There were many clergymen who avowed that their object was to substitute the Mass for the Communion of the Church of England.

Amendment negatived.

Amendments made.

LORD COTTESLOE, moved, in line 6, after ("Parties") to insert—

("Provided always, that in any case in which the person complained of, and also the person or persons making the representation, state their willingness to submit to the direction of the bishop without appeal, the bishop shall, before proceeding to hear the case, give notice in a form as contained in Schedule (D.) to this Act; and if after the issue of such notice the archdeacon, rural dean, churchwarden, or three parishioners as aforesaid shall be of opinion that he or they have just reason to object to the re-

presentation made to the bishop, he or they may, either personally or in writing, make such statement to the bishop as they may think necessary in relation to the facts of the case as laid before the bishop, and as regards the wishes and opinion of the parishioners generally on the subject matter of the representation.")

The Marquess of BATH and the Archbishop of YORK opposed the Proviso.

Amendment negatived.

EARL NELSON moved an Amendment in sub-section (b), line 9—

"That the Judge shall order the complainant to give security for costs in such an amount as he may deem expedient, and until such security be given the proceedings shall be stayed."

THE ARCHBISHOP OF YORK said, he was willing to accept the Amendment.

Amendment agreed to.

THE ARCHBISHOP OF YORK moved, in sub-section G, to strike out—

"The Bishop on receiving the Report of the Judge shall proceed to give judgment in accordance with the Report, &c.," and insert instead—

"The Bishop on receiving the judgment from the Judge shall issue such monition (if any) and make such order as to costs as the judgment may require."

THE LORD CHANCELLOR remarked that the Amendment would make the judgment not that of the Bishop, as had heretofore been intended, but that of the Judge.

THE ARCHBISHOP OF YORK pointed out that, by the alteration proposed, while the Judge would give the judgment, the Bishop would have to issue the monition. The Bishop would not, therefore, be placed in the undesirable position of being the mere mouthpiece of the Judge.

Amendment agreed to.

THE ARCHBISHOP OF YORK moved, in line 4, leave out ("and report"), and leave out from the third ("and") to the end of the sub-section, and insert—

("Determine the question or questions arising thereon, and any judgment pronounced by the bishop shall be in conformity with such determination.")

Amendment agreed to.

In line 6, leave out from ("the") to the end of the sub-section, and insert—

("judgment from the judge, shall issue such monition (if any), and make such order as to costs as the judgment shall require.")

Clause 11 (No fresh evidence to be admitted on appeal), *agreed to*.

EARL NELSON moved, after Clause 11, to insert the following clause—

"In proceedings under this Act the costs shall abide the final judgment, except otherwise directed by the Court which pronounces judgment; and such costs shall be taxed and levied in the mode prescribed.

"If it appear that any plaintiff has made any groundless or frivolous claim or complaint, or that any defendant has set up any groundless or frivolous defence, the Court may order such plaintiff or defendant to pay, as between attorney and client, the whole or any part of the costs occasioned by making such groundless or frivolous claim or complaint, or setting up such groundless or frivolous defence (as the case may be); and such costs shall be taxed in the mode prescribed."

Amendment negatived.

Clause, as amended, *agreed to*.

Clause 12 (Inhibition of Incumbent.)

EARL NELSON moved after "judgment" to insert "unless it be the subject of appeal."

THE ARCHBISHOP OF CANTERBURY said, that there might be a long interval during which the appeal was going on, and a provision to enforce the monition while the appeal was in progress might be of great importance. He did not see why the Judge should be put in a different position from the Judges of other Courts.

Amendment negatived.

EARL NELSON moved, in page 7, line 5, after ("void") to insert—

("Unless the Bishop shall, for some special reason stated by him in writing, postpone for a period, not exceeding three months, the date at which, unless such inhibition be relaxed, such benefices or other ecclesiastical preferment shall become void as aforesaid.")

In line 22, after ("preferment") insert—

("Any question as to whether a judgment or monition given or issued after proceedings before the judge has or has not been obeyed shall be determined by the judge, and any proceedings to enforce obedience to such judgment or monition shall be taken by order of the judge.")

Amendment agreed to.

THE ARCHBISHOP OF CANTERBURY proposed after Clause 15 to add the following clause—

"Whenever the visitor of any cathedral church shall during his visitation thereof have any doubt as to the law affecting any of the matters which could under this Act have been made the subject of a representation to the

bishop if such cathedral church had been a parish church, the visitor shall have power to state any question of law in a special case for the consideration of Her Majesty's Court of Appeal in Ecclesiastical Causes, and such Court shall have power to hear and determine the same; and any judgment, ordinance, or monition of the said visitor shall be in conformity with such determination; and there shall be no appeal from such judgment, ordinance or monition upon any question so determined by the said Court. Notwithstanding any restriction by statute or custom of the periods at which the visitor of any cathedral church shall have power to visit the said cathedral church, it shall be lawful for him to hold a visitation whenever it shall appear to him expedient to do so. An appeal (except as hereinbefore excepted) shall lie direct from any judgment, ordinance, or monition of the said visitor pronounced, made, or issued under this section to Her Majesty in Council, and Her Majesty in Council may refer the same to Her Majesty's Imperial Court of Appeal as constituted by the Supreme Court of Judicature Acts 1873-1874. Nothing in this Act contained shall make it lawful for the visitor to direct that a Faculty from the ordinary shall be applied for in any case in which before the passing of this Act such direction could not lawfully have been given; but it shall be lawful for the visitor in any judgment, ordinance, or monition issued as aforesaid, to give directions as to the fabric of such cathedral church, or to the ornaments, furniture, or decorations thereof. No direction shall be given under this section in regard to any alteration in or addition to the fabric of any cathedral church which has been completed five years before the passing of this Act."

THE MARQUESS OF SALISBURY objected to bring cathedrals under the Bill. He thought it should be confined to parish churches, and the grievances of the congregations arising from unlawful practices carried on in them. The same grievances could not arise in respect of cathedrals, in which the laity had no interest. He was afraid that when the Bill got down to "another place" it should be seen that all members of the Church, and all holding office in it, were brought under the operation of the Bill—except the Bishops—it would be asked—Who introduced the Bill? The Bishops. He did not think that would give the House of Commons a very exalted idea of the mode in which the Bill had been proposed and passed through Parliament. There was no reason for bringing the Deans and Canons under the Bill, which did not equally apply to Bishops. It would be gross partiality to extend the Bill to cathedrals and not to include the Bishops.

THE EARL OF HARROWBY said, that they were often told that the cathedrals

were the parish churches, and intended to be the model churches of the dioceses, and if Deans and Canons broke the law there ought to be a remedy. All persons were deeply concerned in the worship performed in the cathedrals, and it ought to be such worship that all could take part in. It would be a most dangerous thing to except the Deans from the operation of the Bill, and thus allow them to carry out any fancies they might indulge in. The noble Marquess (the Marquess of Salisbury) would put the cathedrals in an exceptional position, in which they ought not to stand. It was never to be forgotten, that the main purpose of churches was for the laity, and not for the clergy, who minister in them.

LORD LYTTTELTON considered that the laity of the whole diocese were deeply interested in what took place in their cathedral, and therefore the clause ought to be supported.

THE BISHOP OF CARLISLE was very glad that cathedrals, if not excepted altogether from the Bill, were, at all events, not to be dealt with as parish churches. He considered the clause proposed to be unobjectionable, as it merely explained and defined the existing law and made it clear that a Bishop had a right to visit his own cathedral, and that his doing so could not be regarded as an intrusion.

THE BISHOP OF OXFORD said, that some Bishops were not visitors of their own cathedrals, but "ordinaries" only, and he supposed that in these cases they would have no power to exercise over the cathedral clergy the duties proposed by this Bill. It was no concern of his to defend a Bill the policy of which was virtually Lord Shaftesbury's, or the policy of the Bill at all; but it was gratuitous to assume, as the noble Marquess had done, that the object of the Bishops was to obtain for themselves an amount of power over all other persons for their own honour and glory. The noble Marquess might give the Bishops credit for something higher than that. The Bishops were charged with the maintenance of the law by Church and State alike; in order to discharge their duty they were bound to see where their power failed; and they might properly ask for more power if it were necessary for them to possess it.

EARL BEAUCHAMP trusted their Lordships would not agree to the clause. The independent status of the cathedrals during the last century and a half had done much to produce a higher standard of public worship, and he hoped they would not be deprived of that independent status.

THE BISHOP OF GLOUCESTER AND BRISTOL contended that these clauses gave no more power to the Bishops than they already possessed, but they made the law more clear and definite.

THE MARQUESS OF SALISBURY took exception to the words "notwithstanding any restriction by statute," &c., as increasing the power of Bishops.

THE ARCHBISHOP OF CANTERBURY consented to omit the word "statute," and so limit the reference to restriction by custom.

Amendment made.

Clause, as amended, *agreed to*, and added to the Bill.

THE EARL OF DEVON moved after Clause 16, to insert the following clause:—

"And whereas, with regard to the mode of performing public worship in the Church of England it is desirable to diminish as far as possible occasions and causes of litigation: Be it enacted, that no proceedings shall be taken under the provisions of this Act in reference to any acts or omissions in the performance of public worship which shall have been canonically declared by the synods or convocations of this realm, acting under the licence of the Crown, to be permissible, if such declaration has been confirmed by the authority of Parliament."

The noble and learned Lord on the Woolsack, on the first night of the debate on this Bill, suggested that it would be expedient that there should be an area within which certain variations in the mode of performing the services of the Church should be permitted. He entirely concurred in that view. Assuming that course to be desirable, the question, however, was, who were to decide the limits of variation and the matters upon which liberty of action was to be allowed? The Bishop of Peterborough gave notice that he would propose that Parliament should decide; but the right rev. Prelate, in the exercise of a wise discretion, thought it better afterwards not to proceed as he had at first intended. That being so, the question remained, who were to decide? It seemed to him, both from precedent and

principle, that the proper parties to decide were, in the first place, subject to the subsequent confirmation of Parliament, the Convocations or Synods of the Church acting under licence from the Crown. He very much rejoiced to have heard from the most rev. Primate (the Archbishop of Canterbury) that it was his intention to apply to the Crown for permission for Convocation to enter upon this subject, and he hoped the Government would see themselves justified in advising the Crown to accede to the proposal.

THE BISHOP OF LONDON said, the noble Earl (the Earl of Devon) proposed to call into operation a very considerable machinery, which it might be desirable to set in motion, but which he certainly attempted in a very undesirable way. The noble Earl proposed that Convocations or Synods of the Church should have power to revise and review the whole Prayer Book—not for the purpose of amending the rubrics but for the purpose of picking certain parts of them which it would be permissible for the clergy not to obey. Such a mode of legislation was *pessimi exempli*, and was out of harmony with the entire object of the Bill, which was to protect the laity and parish congregations from that extreme liberty which from various circumstances during the last 30 or 40 years had prevailed. But this Amendment would give still greater liberty to incumbents to make alterations at their own will, and really amounted to unlimited licence in the mode of conducting public worship. The proper way to deal with this matter was not to legalize acts contrary to law, but to amend the rubrics. Their Lordships had been good enough to-night to give a first reading to a Bill which he had laid upon the Table, the object of which was to give the Queen in Council power to give effect to schemes which had been proposed by Convocation, those schemes having been laid before Parliament and not objected to. If that Bill passed, such alterations would be made as Parliament might think desirable.

THE LORD CHANCELLOR said, the clause proposed by the noble Earl was one which could not possibly be introduced into the Bill. But he desired to say a few words in reference to the statement of the noble Earl as to the Bill he had introduced to give power

to Convocation to propose alterations in the rubrics. After the Ritual Commission, as it was called, had made its fourth Report, the most rev. Primate who presided over the province of Canterbury applied to the Crown, in 1871 or 1872, for "Letters of Business" to authorize them to consider the subject matters of that Report. The Letters were issued, and Convocation was actively engaged under them when the Dissolution of Parliament occurred. Application had recently been made for a renewal of those Letters of Business, and Her Majesty's Government had, as a matter of course, agreed to renew or continue them. This would have been done sooner if the application had been made at an earlier period. Convocation, therefore, now had the power of considering whether any alterations of the rubrics should be made.

THE ARCHBISHOP OF CANTERBURY expressed his gratification at the announcement just made by the noble and learned Lord on the Woolsack; but he wished to say that he lost no time in making application to Her Majesty's Government for the renewal of the Letters of Business. He was not one of those who thought that Parliament was not a proper assemblage to determine ecclesiastical questions, such as they had been lately considering. Parliament had always legislated for the Church of England. It had, indeed, been alleged that the extraordinary changes made in its constitution in recent times rendered it incapable of performing the duties which it satisfactorily performed when it passed the Uniformity Acts. But it should be borne in mind that, when those Acts were passed, members of the Roman Catholic Church sat in the House of Lords, while Nonconformists occupied seats in the House of Commons. Moreover, it should be remembered that just prior to the repeal of the Test and Corporation Acts members of nonconforming bodies sat in the other House of Parliament. Therefore, although changes had taken place in the constitution of the other House during the past 40 or 50 years, he did not see any force in the argument that he had departed from the constitutional course in asking that Parliament should deal with the matters contained in this Bill. Still there had always been a great desire to know the opinions of the clergy before

The Earl of Devon

Parliament legislated on these subjects, and he was glad to learn that the rubrics would soon be re-considered, not under the excitement produced by this innocent Bill—as he deemed it—but calmly and leisurely as the necessities of the case required. The Bill had given their Lordships much trouble; but he submitted that the Bishops had acted under a distinct perception of their duty in bringing it forward. When the present excitement had disappeared, people would find that it was a measure not to alter the law of the Church of England, but simply a Bill to enable that law to be administered more speedily and more efficiently.

Amendment negatived.

THE ARCHBISHOP OF CANTERBURY moved, after Clause 17, to insert the following clause—

"Nothing in this Act contained shall be construed to extend to the following places:—The chapels of the colleges and halls in the Universities of Oxford, Cambridge, and Durham; the University Church of any of the said Universities when used by such University; any chapel coming under the provisions of section 31 of the Public Schools Act, 1868, or under the provisions of section 53 of the Endowed Schools Act, 1869; any chapel coming under the provisions of the Private Chapels Act, 1871."

THE LORD CHANCELLOR proposed to amend the clause by extending the exemption to the chapels of Lincoln's Inn and Gray's Inn and to the Temple Church.

Amendment agreed to.

Clause, as amended, *agreed to*, and *added to* the Bill.

Bill to be read 3^d on *Thursday* next, and to be *printed*, as amended. (No. 123.)

OFFICE OF THE CLERK OF THE PARLIAMENTS AND OFFICE OF THE GENTLEMAN USHER OF THE BLACK ROD.

Then it was *moved* that all matters relating to the Library of the House, and to the papers and documents delivered for the use of the Peers, shall be considered within the jurisdiction of the Select Committee on the Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod.—(*The Chairman of Committees.*)

PRAYER BOOK (RUBRICS) BILL [H.L.]

A Bill to provide for the revision and amendment of the Rubrics contained in the Book of Common Prayer—Was *presented* by The Lord Bishop of London; read 1^a. (No. 122.)

House adjourned at a quarter past Nine o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 19th June, 1874.

MINUTES.]—NEW WRIT ISSUED—For Galway Borough, *v.* Francis Hugh O'Donnell, esquire, void Election.

NEW MEMBER SWORN—Mark John Stewart, esquire, for Wigton Burghs.

PUBLIC BILLS—Ordered—*First Reading*—New Mint Building Site * [162].

Committee—Valuation of Property * [98]—R.F.; Intoxicating Liquors (Ireland) (No. 2) * [114]—R.F.

Committee—Report—Juries (Ireland) * [153]; Working Men's Dwellings * [22]; Public Health (Ireland) * [53-161]; Municipal Privileges (Ireland) (*re-comm.*) * [119]; Drainage and Improvement of Lands (Ireland) Act (1863) Amendment * [126].

Considered as amended—Intoxicating Liquors * [139-160].

Third Reading—Drainage and Improvement of Lands (Ireland) Provisional Order * [131]; Building Societies * [132]; Conjugal Rights (Scotland) Act Amendment * [147], and *passed*.

The House met at Two of the clock.

IRELAND—THE IRISH MAGISTRACY—RIOT AT KILREA—COUNTY DERRY.

QUESTION.

MR. BIGGAR asked the Chief Secretary for Ireland, If it be the fact that it has transpired at the magisterial inquiry now being held at Kilrea, in the county of Derry, that in consequence of the three Stipendiary Magistrates who, with 110 extra police, were sent to Kilrea to preserve the peace on last Patrick's Day not having received any legal education, and not being aware of the powers placed in their hands by the law, a riot was permitted in which several persons were wounded; and, whether he is prepared to take any steps to provide that in future no person should be appointed as resident magistrate who should not have received a legal education?

SIR MICHAEL HICKS-BEACH, in reply, said, that he was not aware that in consequence of three stipendiary magistrates of Derry not having received any legal education, any of the consequences referred to in the Question of the hon. Member had occurred. On the contrary, he believed that the magistrates who had been sent there to preserve the peace on St. Patrick's Day had done their duty well, so far as they were able, under very difficult circumstances, and

the persons who were engaged in a serious riot on that occasion had been sent for trial at the next Assizes. As regarded the second part of the Question, he could not quite clearly define what the hon. Gentleman understood by legal education; but, as a matter of course, persons appointed as stipendiary magistrates should have some knowledge of the law.

GENERAL POST OFFICE — SAVINGS BANK DEPARTMENT.—QUESTION.

COLONEL EGERTON LEIGH asked the Postmaster General, What Reports, if any, have been made by Her Majesty's Board of Works respecting the condition and danger from fire of the premises in St. Paul's Churchyard and Carter Lane occupied by the Savings Bank Department (General Post Office); and, whether and when it is intended to provide a suitable building for the Department in question?

LORD JOHN MANNERS, in reply, said, that no Report on the subject had yet been received from the Office of Works, but their attention had been called to the advisability of protecting the office from the danger of fire. The construction of suitable new buildings for the Department was in contemplation, and inquiries had been set on foot with the view of ascertaining what kind of building would be the most convenient and the safest for the purpose.

CUSTOMS—PROMOTION OF OFFICERS. QUESTION.

SIR PATRICK O'BRIEN asked the Secretary to the Treasury, Whether a competitive examination is now held in every case to determine promotions of officers in Her Majesty's Customs; and, whether any consideration other than the proficiency exhibited at such examination is regarded in granting such promotion?

MR. W. H. SMITH, in reply, said, that a competitive examination was not held in every case to determine promotion of officers in Her Majesty's Customs, for some of them were ruled by seniority combined with efficiency and good conduct; but one-half of the vacancies in London and the outports were filled up by competition amongst officers of good conduct who had served five years or upwards. Promotions which took place

as the result of competitive examination were governed strictly by efficiency and the position attained by the officers in the examinations, which included both education and practical knowledge of their duties, 2,000 marks being given to the former, and 3,000 to the latter.

IRELAND — DERRY CELEBRATION — COSTS OF COLONEL HILLIER.

QUESTION.

MAJOR O'GORMAN asked the Chief Secretary for Ireland, Whether any actions against a Deputy Inspector General of the Royal Irish Constabulary for illegal arrests were compromised; if so, on what date the last action was so arranged; on what date the distinction of C.B. was conferred on this officer; by whom recommended to it; and if by more than one person, their several names?

SIR MICHAEL HICKS-BEACH, in reply, said, that was the third time that the hon. and gallant Member had asked him that Question. There was no official information in the Irish Office which would show whether any actions against Colonel Hillier in 1870 had been compromised. That officer, as he had already informed the hon. and gallant Member, was made a Companion of the Bath on the 24th of February, 1874, and he presumed that he was recommended for that distinction in the ordinary way by the late Government.

STATES OF THE PLATE—THE ARGENTINE REPUBLIC AND BRAZIL.

QUESTION.

SIR PATRICK O'BRIEN asked the Under Secretary of State for Foreign Affairs, Whether it is the intention of Her Majesty's Government to offer their good offices at Buenos Ayres and Rio Janeiro for an amicable settlement of the differences between the Argentine Republic and Brazil, and for the maintenance of friendship and tranquillity among the States of the Plate?

MR. BOURKE, in reply, said, that up to the present time no application had been made by the Governments of either the Argentine Republic or Brazil to Her Majesty's Government to mediate between them; but if they were invited to mediate between those two Powers, and if circumstances showed that their mediation would be acceptable to both

Sir Michael Hicks-Beach

of those Powers, there would be no objection on the part of Her Majesty's Government to use their good offices in the interest of peace.

CONSTABULARY FORCE (IRELAND)—
COUNTY OF WICKLOW.

QUESTION.

MR. COGAN asked the Chief Secretary for Ireland, Whether his attention has been called to the fact that for some years past the County of Wicklow has been required to pay half the cost of an extra Constabulary Force, when in point of fact there was no such extra force acting for the County; whether the grand jury were not compelled to present for seventeen men for the quarter ending 30th September 1873, when there were considerably less men than the free Parliamentary quota, and that, too, after frequent remonstrances on the subject by the grand jury, and after the withdrawal by the Magistrates—specially assembled in April 1873 to consider the matter—of all authority for an extra force; whether he is aware that the Law Officers of the Crown advised the late Government that the charge for an extra force was not legally sustainable, and that the late Lord Lieutenant of Ireland in the beginning of this year communicated to the Lieutenant of the County, acting on behalf of the Magistrates and the Grand Jury, that the charge would not be again made; and, whether, under these circumstances, it is the intention of the Government to continue to claim from the ratepayers of Wicklow for the cost of an extra force which it has not?

SIR MICHAEL HICKS - BEACH, in reply, said, that it was not within the limits of an Answer to a Question to give a full explanation of the matter referred to; but he believed that the County of Wicklow had for some years past enjoyed a reduction in the cost of the Constabulary similar to the rest of the Counties of Ireland, in proportion to the number of its force actually serving as compared with the proper Parliamentary quota. In addition to the actual force there had been extra constables stationed in the county, for which the usual charge had been made and it would have been unfair to the other counties, if it had not. The Grand Jury, under these circumstances, were

compelled to "present" for an extra force. The magistrates seemed to have recalled their consent to the withdrawal of the extra force, by declining to consent to a reduction of the number of stations that would be the necessary consequence of such withdrawal. He was not aware whether the Law Officers of the Government had given any opinion to the late Lord Lieutenant on the subject, nor did he find any official traces of correspondence between the Lord Lieutenant and the Lieutenant of the County of Wicklow. He would, however, look into the matter, and if there was any legal difficulty he would refer the right hon. Gentleman in the ordinary way to the Law Officers of the Crown.

FACTORY AND WORKSHOP ACTS—
CONSOLIDATION.—QUESTION.

MR. TENNANT asked the Secretary of State for the Home Department, Whether, with reference to the statement made by him as to the desirability of extending the application of the Factories (Health of Women, &c.) Bill to other manufactures, and of consolidating the Factory and Workshop Acts, it is the intention of Her Majesty's Government to ask this House to sanction the appointment of a Select Committee to inquire into and report upon the subject, with the view to legislation during the next Session?

MR. ASSHETON CROSS, in reply, said, that he said the other day it was his wish to consolidate all the Factory Laws; but it was a question of some difficulty as well as of some importance. For that reason he thought it would be better to appoint a Committee to inquire and report upon the whole subject as soon as possible, with a view to legislation on the subject. He might say as well that the inquiry would embrace the question of extending the Factories Act to other manufactures than textile ones.

ARMY—MILITIA RETURNS.

QUESTION.

SIR CHARLES RUSSELL asked the Secretary of State for War, If he will furnish a Return of each Militia Regiment which is or has been called out for training this year, showing the numbers who marched into quarters, who were discharged as permanently or tempo-

rarily unfit, or were in custody or absent with or without leave, and those who have been re-enrolled this year?

MR. GATHORNE HARDY: Yes, Sir, if my hon. Friend will move for those Returns, they shall be furnished.

THE MINT—NEW SILVER COIN.

QUESTION.

SIR CHARLES RUSSELL asked Mr. Chancellor of the Exchequer, Whether any silver coins other than florins are being cast at the Mint; and, if so, when an issue of shillings and sixpences may be expected?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the coins being now principally cast at the Mint were half-crowns. Coin was issued from the Mint through the Bank of England, and the Bank had an ample supply of shillings and sixpences. If a demand for these coins arose, it would be at once met; but at present, as he was informed, it had not occurred.

COLLEGE OF PHYSICIANS (IRELAND)

QUESTION.

MR. DUNBAR asked the Chief Secretary for Ireland, Whether the Irish Law Officers have as yet reported on the Memorial of the King's and Queen's College of Physicians in Ireland, praying for a supplemental Charter; and, whether he will lay their Report before this House, so as to give sufficient time for investigation and discussion before any new Charter is granted?

SIR MICHAEL HICKS-BEACH, in reply, said, he had not yet received the Report, but he hoped he should do so in a few days. It was not possible for him at that moment to promise whether he would lay it on the Table of the House; but if he could not do so, he would be glad to give all the information in his power on the subject.

PARLIAMENT—MORNING SITTINGS.

QUESTION.

MR. MONK asked the right hon. Gentleman at the head of the Government, Whether it is intended to continue the Morning Sittings on Tuesdays and Fridays until the end of the Session?

MR. DISRAELI: Sir, the question of Morning Sittings will depend upon the course and state of the Public Busi-

ness. I should be sorry to lay down any fixed rule on the subject.

PARLIAMENT—GALWAY NEW WRIT.

Motion made, and Question proposed.

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Galway, in the room of Francis Hugh O'Donnell, esquire, whose Election has been determined to be void."—(*Mr. O'Shaughnessy.*)

Certificate and Reports from the Judge selected for the Trial of Election Petitions pursuant to the Parliamentary Elections Act, 1868, relating to the Election for the Borough of Galway read.—(*Mr. Conolly.*)

MR. CONOLLY, in rising to move, as an Amendment, to leave out from the word "That," to the end of the Question, in order to add the words—

"having regard to the decisions of the Judges appointed by this House to try the Election Petitions of the Town of Galway Election 1874, and County of Galway 1872, having regard also to the recommendation of the Royal Commission on the Town of Galway Election Petition 1857; having regard to the joint Address of both Houses of Parliament which represented to Her Majesty in 1857 that corrupt practices have extensively prevailed at the last Election and at previous Elections for the said County of the Town of Galway, this House is of opinion that the said Town of Galway be henceforth disfranchised,"

said, the late Mr. Thackeray was a person whose advice was as much honoured by his friends as his works were appreciated by the British nation, and on one occasion a young lady asked him what would be the most suitable gift for her to present to a friend who was about to be married. Mr. Thackeray returned as answer—"My dear young lady, others will present objects of richness and luxury. I advise you to present to these people a most useful article of household economy—a filter." Well, that House had long listened to the able and eloquent orations of the late Mr. Henry Berkeley on the subject of the Ballot, and at length, after very much hesitation, presented to the electoral system of the country a filter, in the shape of the Ballot Act. He was happy to say that Act had been a great success not only in England and Scotland, but also in Ireland, where its success was most to be doubted. He (*Mr. Conolly*) would, however, now tell the House that his duty was to represent that its action was now called for to fill up that

Sir Charles Russell

which was still wanting in the Ballot Act in Ireland—namely, to second the efforts of the Judges appointed to try Election Petitions, and the provisions of the Ballot Act itself, by putting a stigma on, and a stop to a new system that had arisen—namely, priestly intimidation. In ancient times—that was, 20 years ago, the borough of Galway was notorious for its monetary corruption, when some voters would sometimes receive £2 10s., others £5, and some of the ancient guilds refused to accept any amount under a £10 note. These sums of money were unblushingly given and accepted. From 1852 to the present time corruption was the rule in the borough of Galway. He would begin with 1866. In that year an Election Committee reported that it had reason to believe corrupt practices prevailed, and in 1867 the sitting Member was declared guilty of bribery. A joint Address of both Houses of Parliament, praying for a Royal Commission to inquire into the corruption of the borough, was passed in 1857, and that Commission reported that from 1852, and anterior to that period, bribery and corruption extensively prevailed in the borough of Galway, though in a number of cases it was proved satisfactorily that the candidates had not been personally engaged in bribing and corrupting the voters. Before taking any steps with reference to this matter, he put himself in communication with the right hon. and learned Gentleman the Attorney General for Ireland, who was by no means favourable to the course he proposed to take. The right hon. and learned Gentleman said—“Oh, no! This proceeding which you propose to take is quite wrong; you cannot disfranchise an important borough like Galway without first having an inquiry by a Royal Commission.” His contention was, that there had already been a Royal Commission and Election Committees innumerable, all of which had reported the existence of extensive corruption. Further than that, no man knew better than the Attorney General himself, the existence of corruption through all the ramifications of the body corporate of Galway, and therefore it was not right that the right hon. and learned Gentleman should attempt to deal with the question by means of a transparent put-off. That sort of thing

might do in a law Court, but it would not do in the House of Commons. Though the gross form of monetary corruption no longer existed, there remained among the electors of Galway a large proportion of illiterate voters who were peculiarly exposed to the manipulation or the verbal appeals of their priests and their Bishop, and there could be no doubt that that manipulation had been used to good effect in this case as far as those priests were concerned. In fact, they had been condemned by name by the learned Judge who tried the Petition, and who exercised the greatest forbearance in not including in his condemnation the most rev. Dr. McEvilly, the Bishop of Galway. Let the right hon. and learned Gentleman the Attorney General read the evidence himself, and he would find that the margin which separated the Bishop from complicity in the acts of priests living with him in the College of Galway, one of them being his own Vicar General, was very narrow indeed. But before addressing himself further to this subject he must make his position clear to the House, and not only to the House, but to Ireland. He wished to say that he would be the last one to point his finger against any ecclesiastic, and more especially one of the Roman Catholic Church in Ireland; for he knew that if that country was a beautiful and wonderful exception to many of the vices which affected other countries, it was entirely owing to the action of the Roman Catholic clergy. Nor could he forget, that if that loathsome monster of Communism which had defaced one of the fairest kingdoms of the earth, could find no resting place on the green hills of Ireland. That also was entirely due to the untiring efforts of the Catholic clergy in educating the youth of Ireland in the paths of morality. He, however, was bound, when speaking of the priestly intimidation which was now on its trial, to say that he held the Bishop of Galway to be entirely answerable for the conduct of his clergy in connection with the last election. He wished it also to be understood that he had the greatest possible belief in the organization of the Roman Catholic Church, and he only wished there existed as effectual and useful an organization in the Protestant Church. But on that occasion there was evidence of a most complete description, which brought in the rev.

Dr. M'Evilly as not only an accomplice, but as an absolute principal in all those transactions. He did not hold the humbler ecclesiastics as being so chargeable with the recent malpractices at Galway as their Bishop, Dr. M'Evilly, who was at the time suffering under the censure of an Election Judge for previous conduct of the same character at the election for the county of Galway. Although the famous judgment of Mr. Justice Keogh had been most unfairly misrepresented in Ireland, every humble voter in that country ought to venerate the name of that learned Judge, and have it written on the walls of his dwelling in letters of gold, as that of the first man who had vindicated his independence from that priestly oppression which had become so galling that the greater part of the Irish people had risen in their might against it. He found the peasantry of Limerick returning an independent advocate of tenant-right—whom he had the happiness to see opposite—in defiance of the wish of their own ecclesiastics, and hurling from the hustings the man whom it had been sought to impose on them. Associated with Dr. M'Evilly in the judgment of Mr. Justice Keogh was no less a person than Dr. M'Hale, Roman Catholic Archbishop of Tuam, an ecclesiastic who had ruled the West in the spirit of St. Boniface, and what had been the result in Mayo? Why, the return the other day of the independent Representative of that county, the electors having shaken off that loathsome priestly domination. Never was there such exultation in Castlebar as when the hon. Gentleman the Member for Mayo, who had lately taken his seat here, was returned against the power, and in opposition to the candidate, of St. Jarlath's, as never before had the shout of freedom been heard in Mayo. The consequence had been that the priests, who before were attached to that fallacy, as he must call it, of "Home Rule," had now separated themselves in a body from it. If the people of the West were relieved from the heavy yoke of their ecclesiastics by the sacrifice of the town of Galway, they would have obtained their liberty at a cheap rate. A Commission had formerly reported upon the electoral corruption of that borough, and as a corollary of that Report a Bill was brought in to

Mr. Conolly

disfranchise the very classes in the constituency of which he now complained. The House assented to the principle of that Bill by reading it a second time, although the measure was afterwards dropped when it came to be dealt with in Committee. The judgment of Mr. Justice Keogh enlightened the House as to the terrible state of things in the county of Galway; and it was impossible to dissociate the election for the borough from that for the county, on which the learned Judge gave his memorable decision. The same persons were the prime movers in both. Dr. M'Evilly was scheduled by Mr. Justice Keogh; and, although he had nominally kept out of the last scrape, the strong expressions used with reference to him by Mr. Serjeant Armstrong, in which the presiding Judge concurred, appeared in the papers, and there was no doubt that that Prelate was at the bottom of the whole proceedings. He therefore called upon the House to vindicate its own honour, and to strengthen the hands of the Judges who were appointed to try Election Petitions; and, above all, to vindicate the operation of the Ballot Act, which had hitherto been so successful in Ireland. Priestly influence had proceeded to such a length in the West of Ireland, and more especially so in the county of Galway, that tenants had been alienated from landlords, and landlords had been obliged to leave their homes and reside in foreign countries; and that was a county that used formerly to present a most admirable example of a united family—landlord and tenant living together in the most cordial relation. Such was now no longer the case—class against class, hatred, distrust, contention and bloodshed—such had been the direct action of priestly intimidation. But it was chiefly in the interest of the humble voters that he called upon the House to vindicate the laws of the land. Mr. Justice Keogh had stigmatized the conduct of the Roman Catholic clergy in no ordinary language, and the consequence was, that though priests had appeared as the leaders of mobs at the late election for Galway, there had been none of those altar denunciations by which, on previous occasions, the Temple of God had been outraged. That, at all events, was something gained, and he hoped the House would, by agreeing to

his Amendment, supplement the action of Mr. Justice Keogh, which had already borne such good fruit, and strike a final blow at the system of priestly domination. The hon. Gentleman concluded by moving the Amendment.

MR. HUSSEY VIVIAN seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "having regard to the decisions of the Judges appointed by this House to try the Election Petitions of the Town of Galway Election 1874 and County of Galway 1872, having regard also to the recommendation of the Royal Commission on the Town of Galway Election Petition 1857, having regard to the joint Address of both Houses of Parliament which represented to Her Majesty in 1857 that corrupt practices have extensively prevailed at the last Election and at previous Elections for the said County of the Town of Galway, this House is of opinion that the said Town of Galway be henceforth disfranchised,"—(*Mr. Conolly*),

instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) hoped his hon. Friend who had just sat down would excuse him, if he said that he had entirely failed in the course of his able statement to lay before the House any adequate reasons why the issue of a New Writ for Galway should be refused. The hon. Gentleman had, he thought, somewhat confused the allegations which were contained in the Petition against the return of the late Member for that borough, and the reasons which were given in the judgment of the learned Judge by whom that Petition had been tried. The petitioner rested his case on three distinct grounds, the first of which was the interference of the Roman Catholic Bishop of the diocese, whose name, it was contended, having been mentioned in the Schedule of Mr. Justice Keogh's Report, necessarily disqualified any candidate in whose case he filled the position of agent. Now, upon that ground, the finding of the learned Judge was against the petitioner. The second ground alleged by him was that religious influence had been exercised at the election, or in other words, that the Roman Catholic clergy had made use of their position as ecclesiastics to operate on the minds of the voters by bringing

to bear on them religious influences. Against that particular ground of intimidation the learned Judge had also decided. The third allegation was, that there was intimidation—by which was meant to a degree which prevented free agency on the part of the electors. That ground, however, although it was sustained by the learned Judge, it was perfectly plain, was entirely different from the two he had just mentioned. Riot and intimidation might exist at an election, without the electors being in the slightest degree blameable. It might be caused by non-voters, it might be casual and incidental, or it might have its origin in some circumstances which were confined to the particular occasion. Now, he was not aware of any instance in which a constituency had been disfranchised because there happened on the day of polling to be some riot and violence, though such occurrences might furnish adequate ground for declaring that an election was void. In the cases, for example, of the late North Durham and Dudley Elections there were riots, yet New Writs had been issued for those places; and he saw no distinction between them and the case of Galway, except that in the last-named borough, one or two Roman Catholic priests were mixed up in the riot on the day of polling. Such interference, however, was not in their capacity as ecclesiastics, and these priests, therefore, must be regarded in the same light as other persons who might be guilty of an illegal offence; nor could he see the justice of disfranchising the borough because of their conduct. Having said this much with respect to the recent election, he wished to say a word or two about the Report of the Royal Commission of 1857 to which his hon. Friend had referred, and which he himself, as the head of the Commission, had drawn up. It was not strictly correct to say that that Report recommended that the borough of Galway should be disfranchised. What it recommended was, that something in the shape of disfranchisement should be done with regard to the freemen who had been found guilty of receiving money for their votes in small sums. He might add that although three or four Governments had since been in office, and the whole question had been fully debated in the House, no action had been taken upon that Report. Indeed, the whole matter would

have been forgotten had it not been revived by his hon. Friend, to whose Amendment he hoped the House would not assent.

MR. BRUEN said, that, agreeing with many of the things which had been said by his hon. Friend the Member for Donegal, the facts he had mentioned had yet not led his mind to the same conclusion. His Motion involved not only one of the Members whom the borough had a right to elect, but, if it were carried the other Member would also lose his seat; and that without any charge being made against him, and, he believed, without any cause. What he should do was to vote both against the Motion and against the Amendment. He considered his hon. Friend the Member for Donegal had made out a strong case for the House expressing its disapproval of what had taken place, and he thought that as a mark of that disapproval the issue of the Writ should be for a time suspended.

MR. HUSSEY VIVIAN, as Chairman of the Committee which tried the Galway Borough Election Petition in 1866, said, that the evidence on that occasion showed that organized and systematic corruption had prevailed in that borough, and it was a most extraordinary circumstance that that evidence was precisely the same as that which had been brought before the Commissioners in 1857. The same names cropped up on each occasion, showing that the same practices had been conducted by the same parties. Immediately after the Committee, over which he had had the honour of presiding, had presented their Report, the then Attorney General, Sir Roundell Palmer, asked him why he had not recommended the appointment of a Commission to inquire into the corrupt practices which it was shown had existed in the borough of Galway. His answer was that, under ordinary circumstances, it would have been his duty to do so; but as the evidence was sure to be precisely the same as that taken by the Commission of 1857, and feeling that a Commission, if appointed, would be obliged to accept that evidence, and therefore make a similar Report as its predecessor had done, he was unwilling to put the country to the expense of £6,000, which was the average cost of such inquiries. He now regretted that he had not taken the course suggested to him by Sir Roundell

Palmer, now Lord Selborne, inasmuch as had he done so, the borough would have been by this time disfranchised. He had also been Chairman of the Select Committee which tried the Reigate Petition, and on that occasion he had recommended the appointment of the Royal Commission whose Report led to the disfranchisement of that borough; but he was bound to say that the practices which had been shown to have existed at Reigate were slight and venial compared with the systematic and organized bribery which existed in Galway. It now, however, appeared that bribery no longer existed there. Certainly, he could not find any trace of its having been resorted to at the last Election; but there was a great deal of evidence to show that it had been succeeded by a system of intimidation, and it was rather remarkable that the person who used to be the foremost in bribing was now the leading man in creating riot and disturbance. He alluded to the Rev. Peter Daly. [Several IRISH MEMBERS: You are mistaken. He is dead.] He must say that he was sorry, but at the same time he was much relieved, to find he had made a mistake; but he had been under the impression that the Rev. Peter Dooley mentioned in the Report of Mr. Justice Lawson was identical with the Rev. Peter Daly, whose doings had been brought under the consideration of the Committee of which he had been Chairman. After all, what the House had to look to was the nature and character of the electors; and believing those of Galway to be easy victims of intimidation, he should support the Motion of his hon. Friend the Member for Donegal.

MR. MORRIS said, he had to thank the right hon. and learned Gentleman the Attorney General for Ireland for the admirable manner in which he had vindicated the rights of Galway and the character of her people. Lord Plunket had said that history was no more than an old almanack, but the story told by the hon. Member for Donegal had not even that recommendation, inasmuch as it was wrong in facts, incorrect in statistics, and showed the hon. Gentleman's ignorance of even the geography of the county. In the face of these facts, he (Mr. Morris) felt it was his duty to vindicate the character of the electors whom he had had the honour to repre-

The Attorney General for Ireland

sent ever since 1832. Galway had had the privilege of returning two Members, and the men whom it had returned had won a place in the history of the country. It had for 25 successive years returned the late Mr. Blake, who had the reputation of being one of the best breeders of horses in Europe. It had also returned Mr. Andrew Lynch, of the English Bar, who had attained in his profession a rank equivalent to that of Vice Chancellor. It had also returned the late and universally regretted Lord Dunkellin, Chief Justice Monahan, and several other Gentlemen of eminence. He had to regret that all manner of extraneous facts and the circumstances of the unfortunate county election of 1872 had been dragged into the discussion by the hon. Member for Donegal, with the view of throwing odium upon the borough of Galway in order to have it disfranchised. He wondered whether the hon. Gentleman sought the seats for the capital of the county which he represented—a town which had a population of 563 inhabitants, and did not contain more than a dozen houses. Why, it could not lodge the Judges when they went Assize, so that they were obliged to take up their abode in the next county, and, indeed, he believed the hon. Gentleman himself would admit that he had to build a kind of shed for the purpose of affording some shelter for the grand jury. He regretted that the hon. Member for Glamorganshire should have drawn such a dreadful picture of the corruption which prevailed in Galway; but, if such was the case, how was it, he would ask, that the Committee had not only confirmed both Members in their seats, but had, in respect to one of them, decided that as against him the Petition was frivolous and vexatious, and that the petitioners, as guilty of great contempt themselves, should pay the costs of the inquiry?

MR. HUSSEY VIVIAN said, the Committee had reported as to the existence of bribery and corruption on both sides, but that there was not any proof of agency as against the sitting Members.

MR. MORRIS would reiterate what he had stated, and if the hon. Gentleman challenged him, he would ask him to retire into the Library. [*Laughter.*] Yes; if the hon. Gentleman challenged what he said, he would ask him to re-

tire with him into the Library, where he would show him the Report. The fact was, that both Members retained their seats, and one was awarded costs, the Petition against him being declared to be frivolous and vexatious. In respect to area, population, and wealth, Galway was the fifth borough in Ireland, and it was the capital of the Province of Connaught, a Province which had now the honour of giving a title to a Member of the Royal Family. He would, therefore, like to know if they disfranchised Galway, what borough in Ireland would be safe? He regretted he had not the ability to defend the borough as he could have wished; he had forgotten many things which were running in his head, but he hoped that where he failed the hon. and learned Gentleman the Member for Sheffield would, as he had done in 1857, amply vindicate the character of Galway.

MR. M'CARTHY DOWNING denied that there was any evidence in the Report of the Inquiry before Mr. Justice Lawson to show there had been either riot or disturbance in Galway at the last Election; so that the charges made against the Bishop and clergy were absolutely false.

Question put, and agreed to.

Main Question put, and agreed to.

New Writ for Galway Borough,—
in the room of Francis Hugh O'Donnell,
esquire, void Election.

INTOXICATING LIQUORS BILL.

[BILL 139.] ADJOURNED DEBATE.

(Mr. Raikes, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson, Mr. Chancellor of the Exchequer.)

Order read for resuming Adjourned Debate on Question [18th June],

"That the words 'and any collection of houses adjoining a town as so defined shall, for the purpose of the provisions of this Act with respect to the closing of licensed premises, be deemed to be part of such town' be inserted after the words 'one thousand eight hundred and seventy-two,' in page 11, line 4."—(Mr. Assheton Cross.)

Question again proposed.

Debate resumed.

MR. ASSHETON CROSS moved to add, at the end of the previous Amendment, after the word "town," the words—

"After it has been declared so to be by an order of the licensing committee having jurisdiction in the place where such houses are situated."

MR. MELLY asked the right hon. Gentleman to explain why he had altered "licensing justices," to "licensing committee," who had no power to refuse a licence without the authority of the whole county bench? Was it understood that they were to fix what were populous places without referring their decision to the whole county bench?

SIR HENRY SELWIN-IBBETSON thought the hon. Gentleman misunderstood the case with regard to the licensing committee. There was no appeal from their decision. They were appointed by the quarter session to deal with those cases sent up to them from the petty session of their own district. It was thought that the licensing committee who represented those who were most conversant with the licensing subject, would be a fitter body to deal with the setting out of the boundaries than the local justices, who might be subject to local influences.

SIR WILLIAM HARCOURT considered that that was an important alteration. The original proposal was that the licensing justices should undertake the duty. They were the justices of petty session, who were conversant with the affairs of the locality, and surely, as they granted the licenses to public-houses, they were best qualified to set out the boundaries. That was the original purpose of the Government. There was then an Amendment put down to transfer that duty to what was called the licensing committee, which, as he understood it, was a committee of quarter session. The licensing committee was not, it seemed, a Court of original jurisdiction, but an Appellate Court, and in many cases knew nothing whatever about licensing; and, in fact, never granted licences at all. Matters only came before them by appeal, the party who dealt with licences being universally, in the first instance, the justices at petty session. Then, what a slur it was that they were going to pass upon the licensing justices, to say that the very men who had a discretionary power to grant licences were not the proper persons to set out and determine the boundary of any district, and to decide what were populous places. Some hon.

Member, in the course of the discussion on the question, had accused him of speaking disrespectfully of the justices; but it was now said, on the other side of the House, that they were subject to local influences, and that they ought not to be trusted to settle these boundaries. But if they were trusted with the power of granting licences, why not entrust them with the duty of marking out boundaries? The alteration proposed would cause a great deal of inconvenience. Take, for instance, the county of Oxford. Supposing that in the north of Oxfordshire, in Banbury, the question arose whether a particular district or village was a populous place, the people would be compelled to go 20 or 30 miles to Oxford to have the matter decided, instead of its being left to the petty session. This was a change of an extraordinary character, altering the whole tribunal of the boundary commissioners.

MR. PEASE thought there was a good deal in the argument of his hon. and learned Friend the Member for the City of Oxford. The local tribunal of a petty sessional division was likely to know better the requirements of a place than the licensing committee of quarter session. Take, for instance, the North Riding of the county of York, which extended about 80 miles from east to west, and they would have justices from the borders of Westmoreland settling the boundary of a district in the neighbourhood of Scarborough. When they came to these large county divisions, it would not be so easy for the licensing committee as for the local justices to decide on the matter.

MR. GATHORNE HARDY said, that no slur whatever was intended to be cast upon the justices of petty sessions. Indeed, his right hon. Friend the Home Secretary stated on the previous day his reasons for making the alteration with respect to the licensing committee. In most counties with which he was acquainted, the licensing committee was a representative committee for different petty sessions; and therefore it would consist of those who were acquainted with all parts of a county. There would, therefore, be some uniformity of action. Many districts where there were populous places were divided into different parishes, which might not be in the petty sessional division.

Amendment agreed to; words inserted.

Mr. Assheton Cross

SIR HARCOURT JOHNSTONE, in moving the insertion of a Proviso—

"That no urban sanitary district whether including such adjoining houses or not should be deemed a town unless it contained 1,500 inhabitants,"

said, it would be very hard on those large villages the inhabitants of which had almost to a man petitioned against an extension of hours to have that Act pressed upon them, not only against their wishes, but against their interests.

Amendment proposed,

In page 11, after the last Amendment, to insert the words "Provided always, That no urban sanitary district, whether including such adjoining houses or not, shall be deemed a town unless it contains one thousand five hundred inhabitants."—(Sir Harcourt Johnstone.)

Question proposed, "That those words be there inserted."

Question put.

The House divided:—

The Tellers being come to the Table, Mr. Dyke, one of the Tellers for the Noes, stated that several Members had remained in the Right Lobby without voting:—Whereupon Mr. Speaker directed such Members to come to the Table; and Mr. Morley, Mr. Richard Davies, Mr. John Holms, and Mr. Waddy, having come to the Table, were asked by Mr. Speaker if they had heard the Question put, and the Honourable Members having stated that they had heard the Question put, and having declared themselves with the Ayes, Mr. Speaker directed their names to be added to the Ayes.

The Tellers accordingly declared the numbers; Ayes 142; Noes 230: Majority 88.

MR. CHILDERS said, the case was one almost without precedent—certainly without precedent in his experience of the House. His hon. Friend the Member for Scarborough (Sir Harcourt Johnstone) had made a Motion of the most important character, and no Minister had risen to speak on the very necessary Amendment which had thus been moved, and upon which the division had been taken. It appeared to him that under the circumstances it was necessary that the House should know exactly how they stood with respect to the question, and in order that they might have an opportunity of reconsidering it, he would

propose what he considered a very moderate Amendment in the shape of a Proviso to the clause, in order that they might get out of the very dangerous and mischievous results which would otherwise arise from the division which had just taken place. He did not wish to revive the feelings which had been exhibited last night, or to indulge in any recrimination on the subject; but he could not help pointing out the very unfortunate position in which they would be placed if the clause were passed as it now stood. Up to last night, at all events, the Government proposition was that they should except from the general limit of 2,500 inhabitants such places as the justices should declare to be populous places, towns to be defined in the manner provided by the Public Health Act of 1872—namely, as urban sanitary districts. Yesterday the Government carried the omission of the figures "2,500," the effect of which would be that in every town, even under 2,500 population, the public-houses and also the beer-houses would be open till 11 o'clock. A town was to be defined as an urban sanitary district without any limit of population, and urban sanitary districts were in many cases mere villages with only two, three, or four hundred inhabitants. There was nothing to prevent the whole of England being carved out under the Local Government Board into urban sanitary districts, and thus the whole of the villages in the Kingdom might be turned into towns for that purpose, and would come under the 11 o'clock rule. ["Hear, hear!"] Hon. Members said "Hear, hear," but let there be no misunderstanding. Did they mean that public-houses all over the country should be allowed to keep open till 11 o'clock? ["Hear, hear," from Members on the Ministerial Benches.] Now, there could be no misunderstanding. Hon. Members who cried "Hear, hear," were going to vote against the Amendment he was going to propose, because they wished the public-houses all over the country to be kept open till 11 o'clock. ["Hear, hear!"] Hon. Gentlemen were cheering a proposal which was certainly opposed to the original intentions of the Government they supported, and he could not believe that the Home Secretary himself would, upon full consideration, allow the matter to rest

where it was. He held in his hand a list which showed that there were 39 of what were called urban sanitary districts with less than 1,000 inhabitants, and from residential experience, he knew one in Yorkshire which had only 207 inhabitants, while there were several other instances throughout the country in which the population was less than 300, all of which would come under the provisions of the Local Government Act, and if the clause passed in its present shape, they would be entitled to keep all places for the sale of liquor open until 11 o'clock. Not only that, but in addition to these towns, districts might be declared to be populous places, and have the same privilege. How would the justices be able to refuse a parish with 800 inhabitants the privilege of keeping open till 11 o'clock when a village with 400 inhabitants or less had that privilege? He did not believe that was the intention of the Government, and he therefore hoped that they would accept the very moderate Proviso with which he would conclude. The proposal he made was this—

"Provided that no urban sanitary district, whether including such adjoining houses or not, shall be deemed a town unless it contains one thousand inhabitants."

If the proposal were not agreed to, the discretion of the magistrates would be set aside in the case of all places designated as towns under the Local Government Act by the Board of Health. He hoped the Government would accept the Proviso as being in accordance with the spirit of their own Bill.

MR. HEYGATE thought that the right hon. Gentleman opposite (Mr. Childers) had shown good cause why there should be some such limit as he had proposed, and that something between 1,000 and 2,500 would be sufficient to guard against taking in small places which it might not be desirable to include amongst those allowed to keep open till 11 o'clock.

MAJOR PAGET also expressed his approval of the Amendment, and trusted that the Government would see their way to accept it.

COLONEL BARTTELOT thought that the right hon. Gentleman who had moved the Amendment had not made allowance for the discretion of the magistrates. He opposed the Amendment on the ground that it would cut down the hours

of public-houses to 10 o'clock, while, in other places, it would increase the hours of beer-shops from 10 to 11 o'clock. He had no doubt that, to a certain extent, a case had been made out with respect to the very small places to which the right hon. Gentleman referred. He objected, however, to drawing too hard-and-fast a line, for there were many small places in the South of England—railway stations, market towns, and watering-places—where the shutting up of public-houses at 10 o'clock would cause very great inconvenience, and he hoped the Government would not assent to the proposal of the right hon. Member for Pontefract.

MR. FORSYTH hoped that the Government would accede to the Motion, because it drew a definite line between towns and small villages.

VISCOUNT GALWAY said, there were many small places divided by a river, in close proximity to each other, where the proposal would cause great inconvenience.

MR. ASSHETON objected to the Motion, because it would take away the discretion which it was proposed to vest in the magistrates. Moreover, he believed that if the number were fixed at 1,000, as proposed, the inhabitants of every town with a population above that number would think themselves treated unfairly if they were not allowed to have their public-houses open till 11.

SIR WILLIAM HARCOURT said, that as to the discretion of the magistrates, it was just because they would have no discretion that the Amendment had been moved. He supported the Amendment, because it would obviate the difficulty caused by the creation of urban sanitary districts into "towns" by the Local Government Board. His right hon. Friend had referred to one village in Yorkshire, near which he had lived all his life, and which had a population of only 207. The justices in that case would have no option but to regard it as a town within the meaning of the Act, and surely to give such a village the privilege of having its public-houses opened until 11 o'clock was altogether uncalled for. He really did not think there was any substantial difference of opinion on the subject.

MR. ASSHETON CROSS said, he was of the same opinion. His right hon. Friend was mistaken when he said

Mr. Childers

that there were 39 of these places. He had a list made up by the Local Government Board, and it appeared from that that there were only some 30 urban sanitary districts in England with a population under 1,000, and many of these had a population of 700 or 800. It was a small matter altogether, and it was not worth quarrelling about. His right hon. Friend was also wrong when he thought that these places would go on increasing. The Local Government Board had very wisely passed a rule that they would not, except under very special circumstances, make any place into a sanitary district which was under 2,000 inhabitants. The matter was hardly worth the time which had been occupied in discussing it, and he should be willing, if that was taken as a final conclusion of the question, to accept the Amendment.

Amendment agreed to; proviso inserted.

MR. ASSHETON CROSS, in moving an Amendment which stood on the Paper in the name of the hon. Member for Clitheroe (Mr. Assheton), and as to which he signified the willingness of the Government to accept, said, that objection had been taken to the term "populous place," and it had been said that there would be difficulty in deciding what a populous place was. But he had to remind the House that it was no new thing to fix what was a populous place. If any hon. Member would look back to the Census taken in 1861, he would see that the persons charged with making out the Census wanted to find out how many towns there were. They simply applied to the Clerks of the Peace of each county, and on the Returns which the clerks made they had no difficulty in ascertaining the number of towns. Magistrates would just have to do now what the Census clerks did then.

Amendment proposed,

In page 11, to leave out lines 5 and 6, and insert the words, "'Populous place' means any area which by reason of the number and density of its population the county licensing committee may by order determine to be a populous place."

"At a meeting especially convened for that purpose as soon as may be after the passing of this Act, the county licensing committee shall consider all the cases within their jurisdiction with respect to which it is incumbent upon them to make orders in pursuance of this section, and they shall make orders accordingly, and shall specify therein the boundaries of such towns or populous places."

"The county licensing committee may also at any subsequent meeting especially convened for that purpose, make with respect to any town or populous place within their jurisdiction, any like order not restrictive of any order previously made,"—(Mr. Assheton Cross.)
—instead thereof.

Question, "That lines 5 and 6 stand part of the Bill," put, and *negatived*.

Question proposed,

"That the words 'Populous place' means any area which by reason of the number and density of its population the county licensing committee may by order determine to be a populous place."

"At a meeting especially convened for that purpose as soon as may be after the passing of this Act, the county licensing committee shall consider all the cases within their jurisdiction with respect to which it is incumbent upon them to make orders in pursuance of this section, and they shall make orders accordingly, and shall specify therein the boundaries of such towns or populous places."

"The county licensing committee may also at any subsequent meeting especially convened for that purpose, make with respect to any town or populous place within their jurisdiction any like order not restrictive of any order previously made,"
be inserted, instead thereof.

MR. GOLDSMID wanted to know how the last part of the Amendment would apply to towns once populous, but which might ultimately fall under the limit which might be fixed? The constituency which he once represented was gradually diminishing, and there were many villages in the West of England which, though they had not yet fallen under what was now considered to be a populous place, were losing their population, and would ultimately do so.

COLONEL BARTTELOT, in moving to insert in the second line of the Amendment, after the word "population," the words "not being less than 1,000," said, the insertion of those words would give the magistrates some idea of what the House intended, and would be fair both for the House and to the justices, and to the country.

Amendment proposed to the said proposed Amendment, after the word "population," to insert the words "not being less than one thousand."—(Colonel Barttelot.)

MR. GREGORY hoped the alteration proposed by the hon. and gallant Gentleman would not be pressed. If it were

pressed, it would act injuriously in many places, such as small towns in which were railway stations, and seaside resorts, where the magistrates ought to have some discretion in the fixing of the hours.

MR. PAGET supported the Amendment. The suggestion of the hon. Member who last spoke would amount to giving power to keep open all the inns at all the small places in the country.

MR. ASSHETON CROSS thought that his acceptance of the previous Amendment had already answered the purpose intended to be carried out by the Amendment now under discussion. He would, however, accept the limit proposed.

Question, "That those words be there inserted," put, and *agreed to*.

Words, as amended, *inserted*.

MR. BULWER wished before the House passed from the subject to call the attention of the right hon. Gentleman the Home Secretary to the system under which Acts of Parliament were at present drawn. When it was proposed substantially to alter an Act of Parliament, the best course would be to repeal the Act altogether, and to re-enact it as altered. If this was too heroic a course to adopt, at all events, single sections might be so dealt with. Much of the present Bill was almost unintelligible, especially Section 9; and if ever there was a Bill which required to be drawn so that he who ran might read, it was this. He really thought, also, that the gentleman who drew these Bills, should also, as much as possible, keep clear of meaningless verbiage.

SIR WILLIAM HARCOURT quite agreed with the hon. and learned Member. The 9th section was unintelligible, and many parts of the Bill were equally so. The owner of the licensed house was expected to understand all these sections, and when he came up before the Queen's Bench, the Judges would tell him that they could make nothing out of them.

MR. STAVELEY HILL said, that the present Bill was really a mass of unintelligible stuff. The handbooks picked up at railway stations were models of perspicuity when compared with it. He had hoped that the Act to be passed this Session would have been a digest of the licensing law, such as that

which had once been suggested by the hon. Baronet the Under Secretary of State for the Home Department, instead of a trumpery Amendment Bill, which itself required amendment to be understandable.

Bill to be read the third time upon Monday next, and to be *printed*. [Bill 160.]

VALUATION OF PROPERTY BILL.

(*Mr. Sclater-Booth, Mr. Clare Read.*)

(BILL 98.) COMMITTEE.

Order for Committee read.

(In the Committee.)

Clause 1 (Short title) *agreed to*.

Clause 2 (Extent of Act).

MR. HENLEY complained that they were now required, without Notice, and at the fag-end of a Morning Sitting, to deal with a measure of the greatest interest.

MR. BEACH thought that as the Morning Sitting had been fixed for the specific purpose of considering the Intoxicating Liquors Bill, it was unfair to hon. Members, who had not expected this Bill to come on, that it should now be proceeded with.

MR. SCLATER-BOOTH said, he would not press on the Bill against the feeling of the Committee; but he had been entreated, both by hon. Gentlemen opposing and supporting the Bill, to bring it on as soon as possible. He thought it might be taken without occasioning much inconvenience.

Clause *agreed to*.

Clause 3 (Abolition of certain exemptions from rating).

SIR GEORGE JENKINSON, in moving as an Amendment in page 1, line 20, sub-section 1, after "to," to insert "all;" and in the same line, after "land," to insert "including Crown property," said, he did it to raise the question whether Government property ought not to contribute to the local rates. Any Bill which, while bringing real property owners, to a large additional extent, under the local rates, did not, at the same time, rate Government mineral property and woods, and plantations, such as there were in the Forest of Dean, must be viewed with apprehension. It had been proposed that the Crown should pay a contribution in lieu of rating; but he thought that no voluntary contribution

Mr. Gregory

would be as satisfactory as the placing of Crown property on a footing with other real property as regarded rating.

MR. SCLATER-BOOTH said, that his short answer to the hon. Member was, that the Chancellor of the Exchequer, in his Financial Statement that year, proposed that the House should deal with this question of Government property, for the present, at all events, by adding to the Estimates. That proposal having been accepted by the House, he thought the Committee would feel that it would be out of place at the end of the Session to insert an Amendment with the view of including all Government property within the purview of the Bill, especially as it was impossible to deal with all the circumstances of the case by a mere Amendment. The hon. Member was mistaken in assuming that his constituents would gain any material benefit from the rating of the Forest of Dean; the Government had for years made a contribution in respect of it, although in the hands of a private individual, it would have been exempt. Both in regard to the Forest of Dean and the New Forest, the rate-payers would receive contributions in respect of the enclosed plantations. It was manifest, however, that a proposal of the kind could only properly be submitted by the Government. With regard to real property generally, he could not agree with the view that the Bill would impose additional burdens upon it.

MR. STANSFELD agreed with the view of the right hon. Gentleman that the Bill would not impose any additional charge upon real property generally. It would include within the rating area certain kinds of real property which were not previously included, but it would not touch the amount of the rates which were to be levied. On another point he was unable to agree with the right hon. Gentleman. If any hon. Member wished to raise the question, in order to secure the rateability of Government property, the Committee stage of the present Bill was surely the proper point at which to bring the matter forward. A very satisfactory solution of the question would, in one point of view, be to fix the value of Government property by arbitration or by means of a judicial decision, and then to rate it accordingly. While he believed that the most satisfactory solution of the matter would

have been the one which he proposed to the late House of Commons, on the other hand, he had always admitted that there were reasons based in simplicity and convenience for the proposal contained in the present Bill, if the constituencies interested were prepared to leave it to the Government of the day to fix a fair contribution to be paid on account of Government property in lieu of rates. He thought, however, the Committee should fully understand that in rejecting the Amendment they would practically determine to accept the Government proposal.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) said, the Amendment before the House did not in any way raise the question of the propriety of rating Government property. He therefore saw no reason for adopting an Amendment which would not add to the force of the clause as it stood in the Bill. As far as the language in the Bill at present went, it was equivalent to "all," and a division upon the Amendment would be a division upon nothing.

LORD ESLINGTON believed that if there was any dissatisfaction caused by the present system, it would not be removed by leaving the amount of the contribution on Government property to be fixed arbitrarily by Commissioners.

SIR CHARLES RUSSELL said, there was an evident misunderstanding relative to the Bill, for several hon. Members who had placed Amendments on the Paper were not in their places, and he appealed to the Government not to press the Bill any further at present.

MR. M'LAREN said, that another objection to the Amendment, which had not been referred to, was that the Committee had passed the 2nd clause, by which the Bill was made not to apply to Scotland or Ireland. Well, if the Committee adopted the Amendment that was proposed by the hon. Baronet, the effect would be that while the National Exchequer would pay poor rates for all the Government properties in England, the people of Ireland and of Scotland would be made to pay their proportion of these poor rates for the Government property in England, without the Exchequer paying anything of the poor rates for Ireland and for Scotland. The same proposal was made last year. The attention of the Government was then directed to the

point, and seeing the justice of it, they agreed to the insertion of a clause making the Bill applicable to Ireland and Scotland. But difficulties were found in the Forms of the House to taking that course, and after a good deal of delay and trouble, a separate Bill had to be brought in for Scotland and Ireland. Now, he understood a proposal had been made by the Chancellor of the Exchequer which was agreed to by all parties. The right hon. Gentleman stated that he would prepare an estimate of the sum required, and that a fair allowance should be made in aid of the rates applicable to all Crown property in the United Kingdom. Well, if the Committee held to the agreement which was substantially made between the Chancellor of the Exchequer and the House, everything would go right. And if it should be found hereafter that a better mode than that suggested by the right hon. Gentleman the President of the Local Government Board last year, for rating Crown property could be devised, it might be embodied in a Bill, introduced for that special purpose in the next Session of Parliament, and that Bill could be made to apply to the three countries. But for the reason he had stated, he objected to the adoption of the Amendment of the hon. Baronet.

COLONEL BARTTELOT agreed with the hon. Baronet that it would have been more satisfactory if the course pursued by the late Government had been adopted by the present, and a scheme for rating all Crown property had been submitted to the House. He hoped, however, that his hon. Friend would not press the Amendment.

MR. BRUCE trusted there would be a declaration on the part of the Government that, although it did not accept the Amendment, it would not on that account consider itself precluded from taking up the question at some future time, and dealing with it in a fair and permanent way.

MR. HENLEY said, that in some sense the question was confined within very narrow limits, but in another sense, it might be said to comprise the consideration of the whole of the Crown property. In his locality a road divided two properties, the one belonging to a nobleman, and the other belonging to the Crown. The nobleman would be

taxed, while the Crown would be untaxed. That seemed to him to be an anomaly. It would be a startling proposition, if they were to pass a Bill bringing one part of the Crown property under taxation while the other was untouched. That was what the hon. Baronet seemed to protest against. Unless a decided assurance on the subject was given by the Government, he thought it was difficult to say that the proposition should not be adopted. He thought, however, that it was very unfair on the part of the Government to have forced the Bill on as they had, inasmuch as many hon. Members who took a considerable interest in the subject were absent, and it was impossible that the question could receive that discussion which it deserved. But unless some Amendment in the sense of that moved by the hon. Baronet were adopted, they would, instead of doing away with anomalies, be creating a fresh anomaly.

MR. BRISTOWE thought the Amendment had been brought forward inopportunately, raising as it did a question which should have been raised, if at all, on the Motion for the second reading of the Bill. The right hon. Gentleman opposite then gave his reasons for not dealing with the question under discussion in this measure, and no one seemed disposed to question the soundness of those reasons.

SIR GEORGE JENKINSON said, that he had protested against every part of the Bill when it was before the House on the second reading. A great injustice would be continued, if the Government did not deal comprehensively with the question. The principle was what he contended for. He protested against an exemption in the case of an enormous mass of wealth which ought to contribute towards taxation as other property did. He trusted the Chancellor of the Exchequer would give some assurance that when the question of local taxation came to be dealt with, this subject should be considered.

MR. HERMON believed it was the intention of the Government to bring in a Bill to fairly assess all the property of the description referred to which was in the possession of the Crown. He trusted that when they did so both it and the present measure would be made to come into operation at the same time.

Mr. M' Laren

THE CHANCELLOR OF THE EXCHEQUER said, it was not intended to bring in a Bill for the rating of Crown property, but to propose a Vote to Parliament for the purpose of making contributions in respect of Government property equivalent to what would be the amount of a rate. When he introduced his Budget, he explained that was the course they meant to take in order to avoid the many complications and difficulties which would have arisen under the Bill of last year. As to the anomaly of woods on one side of a road being rated because they belonged to a private owner, and woods of the same character on the other side of the road being exempted because they belonged to the Crown, the very same anomaly existed in regard to Crown buildings, and it was proposed to redress it by increasing the present grant. Government property had not contributed unless it amounted to about one-sixth of the parish; but it was intended to propose that in future the contribution should be given, whatever proportion the Crown property might bear to the rest of the parish.

MR. SCOURFIELD said, he did not feel altogether comfortable at the idea of trusting this matter to a Vote. He thought a Vote, instead of an Act, was rather a precarious footing on which to rely for a contribution on account of Crown property. One illustration of the inconvenience of discussing the Bill at the present time was that hon. Members had not been able to procure the necessary documents.

MR. CAWLEY could not accept the statement of the Chancellor of the Exchequer as entirely satisfactory. In this case they were dealing with land occupied by woods, which bore exactly the same relation as the property of private individuals did for rating purposes. However equitable the Government grant might be, it would not give the same satisfaction in the country as would be afforded if Crown property was taxed in the same manner as that of private individuals.

MR. PERCY WYNDHAM said, that under the Bill all the mineral property of the Crown would be rated. The Government had given good reasons for not dealing in the Bill with all Government property, and as they had promised to deal with the rest of the question on a future day, he hoped progress would be

made with the Bill. Unless they did, the agricultural constituencies of the country would scarcely believe they were in earnest.

MR. FAWCETT wished to know whether the plan of having a rate from Government property was to be a temporary or a permanent one. If it were intended to make such contributions permanent, nothing, in his opinion, could be more inconvenient. The object of that rating Bill was as far as possible to abolish exemptions, and he could not understand why all exemptions in favour of Government property should not be abolished, making every allowance between different kinds of public property.

THE CHANCELLOR OF THE EXCHEQUER said, the arrangement which he had referred to would certainly not be brought forward with the avowed intention of making it merely temporary; but at the same time it must be regarded as necessarily only temporary until some method of dealing with this difficult question upon a permanent basis could be hit upon.

MR. J. G. TALBOT said, that in his county there was a large amount of Government property, and a strong feeling existed that it did not bear its fair share of the burdens which were imposed on all other property. The disadvantage of a Vote was, that it might or might not endure; whereas if they once got the question settled on an equitable basis in an Act of Parliament, they would know exactly where they stood. He would recommend the withdrawal of the Amendment.

MR. PEASE was anxious the Bill should go forward; but its great fault was, that it did not touch the question of Government property in the way many hon. Gentlemen hoped it would have done.

COLONEL BARTTELOT asked if the contribution would be based on the assessment of the adjoining property by the assessment committee?

THE CHANCELLOR OF THE EXCHEQUER: Certainly.

SIR GEORGE JENKINSON said, he would withdraw his Amendment, and take the discussion on the Amendment of the noble Lord the Member for South Hants (Lord Henry Scott).

THE CHAIRMAN said, in his opinion, the noble Lord's Amendment was of such a nature that it could not be put.

MR. CAWLEY said, that being the case, the Amendment before the Committee ought not to be hastily withdrawn.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, the clause would be quite as effective without the Amendment as with it.

MR. HENLEY said, there appeared to be some inherent difficulty in dealing with the subject. The proposition was so slippery that no one could catch hold of it. He would move that Progress be reported.

Motion made, and Question proposed, "That the Chairman report Progress."
—(Mr. Henley.)

THE CHANCELLOR OF THE EXCHEQUER said, that as the hour had arrived for suspending the sitting he had no objection to the Motion. He proposed to ask for a vote of £120,000 for this purpose.

Question put and agreed to.

House resumed.

Committee report Progress; to sit again upon *Tuesday* next.

And it being now five minutes to seven of the clock, the House *suspended* its sitting.

The House *resumed* its sitting at nine of the clock.

Notice taken that 40 Members were not present; House counted; and 40 Members being found present—

SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

SECURITY FOR IMPROVEMENTS BY AGRICULTURAL TENANTS.

RESOLUTION.

MR. SEELY, in moving—

"That, in the opinion of this House, Her Majesty's Government should, with a view to improved cultivation of the land, introduce, with as little delay as possible, a measure for giving increased security for capital to be invested in the soil by agricultural tenants,"

said, that it was a subject of considerable interest, particularly to the tenant-farmers of England. Previous to 1850

various attempts had been made to remedy the grievances of agricultural tenants, and notably by the late Mr. Pusey, but nothing important in the way of legislation on the subject had been accomplished, and since that time until within the last few years the question had slept altogether. During the last three or four years, however, the formation of Chambers of Agriculture had led to the subject being taken up so strongly that it now occupied a more prominent place than even the question of local taxation or the repeal of the malt tax, and at every meeting of those, and the kindred societies—Farmers' Clubs—it was invariably brought before the members. Further than that, last year a Bill to settle the question was brought in by the Members for Bedford and South Norfolk, but eventually that measure was withdrawn. In his opinion, therefore, the time had come when the House should be asked to take the subject seriously into consideration. What was the state of the law of landlord and tenant as it affected the agricultural tenant? The present state of the law was, that where there was no custom such as existed in Lincolnshire giving tenant-farmers compensation—and that custom existed only in a very small degree throughout England—and when there was no agreement with the landlord, when the tenant-farmer quitted his holding, he left all that he had put into the soil behind him. For instance, he might have spent £3,000 or £4,000 in chalking his land, and have derived no benefit from it himself, as its good effects would not be felt for the first 12 months; but as the law now stood, if he quitted his farm the incoming tenant would reap the benefit of his expenditure. That was under the general law, but there were special cases in which the tenant-farmer was put to even greater inconvenience and loss. He might enter into an agreement, giving him compensation, with his landlord, who was the life-owner of the estate, but if the life-owner died, the tenant could not claim compensation from his successor. The same injustice occurred under agreements entered into with the trustees of a minor, or with a clergyman holding a glebe securing compensation for unexhausted improvements, for the successors of the parties were not in any way bound by the agreements. Again, if

a landowner having the fee-simple entered into an agreement with his tenant to give him compensation, and subsequently sold the estate, unless that agreement was endorsed on the title-deeds the tenant could not claim one farthing from the purchaser. As two-thirds of the land of England was under settlement in this way, it might easily be imagined how great a number of cases of hardship might arise. The results of this state of the law were, that the farmer was deterred from spending money in fertilizing the soil, and he complained that annually he had less profit, and that when he quitted a large portion of his capital was taken away from him; the labourers justly complained that the state of the law prevented them from obtaining that demand for labour which they otherwise would have, and the public complained that in consequence of capital not being employed freely in the cultivation of the soil, food was less in quantity and higher in price, and that consequently the local rates were on the increase. There was this peculiar feature of the question, that the law might be changed in favour of the farmer, the labourer, and the public, without injury to the landlord, for the latter must be benefited by any law which increased the fertility of the soil, and therefore the value of his property. Lincolnshire presented a notable example of the effect of tenant-right in increasing the wages of the labourer; for, for many years past, the average rate of the wages of the Lincolnshire labourer had been 2s. or 3s. per week higher than those of the labourer in the Southern counties, where there was no tenant-right. He would urge, in favour of the view he took, the Report of the Select Committee on Mr. Pusey's Bill of 1847, which stated that the system of tenant-right seemed to be highly beneficial, and to tend to a great increase in the productiveness of the soil, and extended employment for the rural population. In the debate upon Mr. Pusey's Bill, the late Sir Robert Peel said that to the principle of promoting the application of capital to land in order to secure better improvements and of providing just compensation to tenants, there could be no objection whatever. He (Mr. Seely), therefore, apprehended that there would be little objection to the principle of giving compensation to tenant-farmers

for improvements, but the question was as to the degree to which the principle ought to extend, and upon this there might be considerable difference of opinion. Where there was a custom the application of the principle differed very much; in some only permanent improvements were compensated, whilst in others there was compensation also for temporary improvements, and in the greater part of England there was no custom or usage upon the matter. It might be said that the granting of leases would be sufficient to meet all the requirements of the case; but there was this objection to leases unaccompanied with right to compensation for improvements—that in the latter years of the lease the tenant would be tempted to do what was called "scourge" the land. It was, therefore, in the interest of the tenant, and especially of the public, that compensation should be given in order that the land might be continued to be cultivated during the last year of the tenancy. Last year, as he had said, there was an attempt made to settle this question by a Bill by the hon. Member for Bedford and the hon. Member for South Norfolk; and no doubt that Bill was approved by many farmers, and also by the great Conservative party; and, indeed, many of its provisions were excellent. In so far as the Bill gave compensation to farmers for "chalking" and for manures, there could be no opposition; but the Bill was objectionable upon many other points. His first objection to it was that it prohibited freedom of contract, and in any future legislation on the subject, he hoped nothing would be done in that direction. The principle of the 4th clause was, that landlords were looked upon as likely to take an advantage of their tenants; and it looked upon the farmers of England not as men capable of fighting their own battles, but as persons that the Legislature ought to take under its protection. In all other ranks of life a man was left to take care of himself by making his own contracts. The reason why it was said that there must be some general rule to bind them was, that there were so many applications for vacant farms that the landlords could make their own conditions; and that one condition made would be that the tenant should not have compensation for improvements

which were unexhausted. He did not, however, think that there need be any apprehension of this. It would be for the landlords' interest that there should be such compensation. Further, there was through the whole of the community a sort of reverence for the law, and a desire to conform to its provisions, and the landlords would not go contrary to that feeling. If the law were that in the absence of an agreement, the tenant should have compensation, the landlords would not bind their tenants in a contrary sense. Moreover, it could not be said generally that for every vacant farm there were a hundred applicants. Where the land was good and the rent low, there were many applicants, but not where the land was bad and the rent high. He believed that the farmers could properly be trusted to protect themselves by their agreements. Another clause in the Bill enabled farmers to retain possession of the land until the compensation was paid, and the practical inconvenience of this would be extreme. It would often happen that the award of the compensation could not possibly be made by the day on which the tenant was to quit, and it would be a serious thing if the out-going tenant were empowered to hold over until it was paid. Another serious point occurred under Clauses 26 and 27 of the Bill of last year.

SIR GEORGE BOWYER rose to Order. The hon. Gentleman appeared to be discussing a Bill which was not now before the House.

MR. SPEAKER said, that the hon. Gentleman's observations were quite relevant. The hon. Member was calling upon the Government to introduce a Bill, and was discussing other measures that related to the question he now brought forward.

MR. SEELY said, he not only wished to have a law passed which should alter the present law in favour of the tenants, but likewise wished to do justice to all parties, and not to have a law which would injure any other class. With that view he was calling the attention of the House to what he considered to be the defects of the Bill that was before it last year. Another of those defects, as he conceived, occurred under Clauses 26 and 27, by which great injustice might be done to the parties who would come after the tenant for life. He was no

particular advocate for the law as it stood, but if the law of entail was to be abrogated, and the law of settlement was not to be any longer in practical force, let it be done away with fairly, manfully, and openly, and not by a side wind. With regard to 12 months' notice to quit, a high authority suggested that it should be extended to two years. But he had received a communication from an eminent land agent, who had tried the experiment on properties in South Norfolk, with the result that two years' notice to quit did not answer in practice, and that he had reverted to the old practice of six months' notice. There was a further objection he took to the Bill of last year. He objected to the Government finding money for farming purposes. The plea urged in favour of that course was that it tended to improve the cultivation of the land and increase the production of food; but, if that rule were to be acted upon, where were we to stop? He objected to that proposal because, among other reasons, it gave to farmers a preference over other classes of the community. The only other defect in the Bill of last year to which he would allude was an omission. He referred to the case of the labourer, whose rights ought to be cared for, as well as those of the tenant. The Bill, as drawn, would not have given to the labourer compensation for his garden produce in the event of his quitting. All these were defects which he hoped would not re-appear in any future measure. The Government was the proper party to bring forward such a measure, and the experience of last year must have convinced everybody of the difficulties which private Members must encounter in attempting to deal with the subject; and, in concluding as he should do, by moving the Resolution of which he had given Notice, he hoped the Government would accept it; there being no reasonable objection to the principle it contained, and that they would bring in a measure dealing with the whole subject.

MR. M'LAGAN said, he rose with much pleasure to second the Motion—the hon. Member for Lincoln (Mr. Seely) had gone so fully into the technical parts of the subject that it was unnecessary for him to touch upon those, and he should confine his remarks to some practical points to which the hon. Member had not adverted. Previous to the

Mr. Seely

establishment of Free Trade, agricultural distress was frequently the subject of discussion in that House. Committees and Commissions were appointed to consider it, and to give advice and recommendations upon it. At that time agriculture was upheld by a system of protection, and farmers were taught to look more to the Legislature than to their own energy and skill. Thrown, however, upon their own resources by the abolition of the Corn Laws, they brought their own intelligence and industry to bear, by the exercise of which they brought the agriculture of this country to a higher stage than it had occupied for many years. Of late, there had been on the Notice Papers of the House no intimation of agricultural distress as a subject for discussion; but although farmers did not trouble the House with their grievances, they were not indifferent to those Acts which affected the interests or their profession. The hon. Gentleman had alluded to those Chambers of Agriculture at which of late years no subject had been more discussed than that of security for the tenants' capital, and justly so, for when they considered the amount of that capital, every Statesman would see that it was entitled to reasonable security. It was stated to be something like £450,000,000. He (Mr. M'Lagan) believed that was exaggerated, but he believed the estimate was between £200,000,000 and £300,000,000. A great deal of that was secured by lease, in many parts by customs, but in other parts of England a great proportion was unprotected. Capital might be laid out in three ways—first, in live stock and furnishing for the farm. As regarded that, the tenant could not expect to have compensation any more than the ordinary trader, because he could remove the stock at pleasure. The second portion of the tenant's capital was laid out on manure, liming, and chalking, and anything that could improve the land. Generally speaking, there was no security whatever for this capital. The third part was that laid out in permanent improvements, such as buildings and drainage, and in these, also, there was no security for the tenants' capital. But although a great deal had been said of the backwardness of agriculture in this country being attributed to the insecurity of tenants' capital, there were other

causes at work. There was insufficiency of capital. Tenants were apt to take farms too large for their capital. It would be better if they took smaller farms and doubled their capital. Another cause of the backwardness of agriculture was the indifference as to laying out capital on the improvements of their farms. That arose from the ignorance of tenants of the benefits to be derived from improvements. He knew an instance of a tenant who had got a farm on a long lease, and would not improve until the agent raised his rent, and compelled him to double the manure. He so soon saw the advantage, that he continued improvements on his own account, and was now a most successful farmer. That showed the advantage of tenants laying out capital on farms, and it proved also that increased security would induce them so to lay out their capital. Fortunately there were figures to lay before the House as to the great advantages derived from security to tenants' capital. In 1770, as it appeared from the statistics of the right hon. Member for Greenwich when he introduced the Irish Land Bill, the rental in Ulster, where security was now given, was £960,000, and in 1869 was £2,000,000. In other parts of Ireland where the tenants were at the mercy of the landlords, the valuation in 1770 was £5,000,000, and in 1869 was very little more. In Ireland, generally, including Ulster, the rental had doubled from £6,000,000 to £12,000,000. In England, where there was greater confidence between landlord and tenant, where the value in 1770 was £12,000,000, the same in 1848 was £48,000,000. In Scotland, where, instead of confidence between landlord and tenant the latter had the advantage of 21 years' lease, in 1770 the rental was £1,200,000, and in 1869 it was £7,200,000. That showed the great advantage of tenants having security for their capital. Another startling fact was brought out the other day from the Income Tax Returns. Between 1852 and 1869 the rental in England had been increased 19 per cent—in Scotland, 32 per cent. These were instructive facts, and went far to show the advantages of tenants having security for their capital. He did not intend to draw comparison between tenants in England and Scotland; but he might say that while there were leases in Scot-

land, the relations between landlords and tenants in England were of a more confidential character, and there were fewer changes. In England the tenant would sooner take the word of the landlord than have a lease. But the tenants had no security for their capital. The landlord might die, the estate might be sold, and the tenant might find that his confidence in his landlord was greater than his prudence. In a speech by the hon. Member for South Norfolk (Mr. Clare Read) last year, he said the law was all on the side of the landlord, who could remove his tenant at pleasure, and could eat up all his crops with game without giving him compensation. There were the laws of distress, and laws of all sorts for the protection of the landlords; but none, or next to none, for the protection of tenants. Those were not the words of an hon. Member who indulged in flights of imagination. On the contrary, the hon. Member called things generally by their proper names. If they were true, it showed the condition of tenants in England as little better than that of serfs. He was sorry his hon. Friend the Member for Norfolk had not said whether he would improve the condition of the tenant by levelling up to the landlord, or by levelling the landlord down to the tenant. If the position of tenants was truly stated, it was one of serfdom little better than that in some countries which they were apt to consider very bad; and curiously enough, men of this class were men of intelligence, men of property, who were toasted at agricultural meetings as the backbone of our Constitution. Since the hon. Member could not give any idea of how he would improve the condition of the tenant he would ask, was it possible that that could be effected by legislation without doing injustice to the landlord? If a tenant took a farm, and laid out capital in different ways, he might be called upon to leave at six months' notice, and, if so, he would leave the capital he had laid out on the farm for the benefit of his landlord. That was the present position of the law. What he would propose was, because he did not like abstract Resolutions, that the law should be altered in such a way that compensation might be given to the tenant for all improvements and manures which he might put on his farm, unless there was some agreement to the contrary. He knew that some objected to

the tenant receiving compensation for buildings, unless he received the assent of the landlord. He would go further, and say that if a tenant intended to put up a building, and gave intimation to the landlord, and the landlord did not object in a certain time, it was but just that the tenant should receive compensation if he erected the buildings. He would propose, then, that the law might be altered in such a manner as to give the tenant compensation for improvements on buildings; but still as he was liable to leave the farm at six months' notice, a good deal of his capital would remain there. In Scotland the landlord was not required to give more than six weeks' notice. That should be altered. He should propose that notice to quit should be extended to at least two years, and he did so for various reasons, one of which was, that he was not like an ordinary householder, and might require time to find another farm. He would also give the tenant the benefit of the crop grown in the last year of the tenancy as compensation for the money he had expended in manure upon the land. It had been urged that the tenant would exhaust the soil under such circumstances; but that could be easily avoided by means of agreements to be made between the occupiers and owners of farms. In the remarks he had made, he had purposely avoided anything like interference with contracts. To that he decidedly objected. That was exceptional legislation at the best, and should be judged on its own merits. He did not desire any interference with the law of contract, though he did not consider it such as many did. There were many bugbear cases adduced as interference of contract by the Legislature; but these were more interference with the liberties of the subjects than with contracts between individuals.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, Her Majesty's Government should, with a view to improved cultivation of the land, introduce, with as little delay as possible, a measure for giving increased security for capital to be invested in the soil by agricultural tenants,"—(*Mr. Seely*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. M. Lagan

MR. J. W. BARCLAY said, when he saw on the Notice Paper the Motion proposed by the hon. Member for Lincoln, he was possessed with a strong feeling of gratitude towards the hon. Member for proposing to bring this important question under the attention of the House. He could not, therefore, very well express the disappointment with which he had listened to the hon. Member's speech, for he entirely failed to gather what the hon. Member proposed as the real object or outcome of his proposals. If the landlords were as enlightened, just, and honourable as the hon. Member represented; and if, on the other hand, farmers were as intelligent, shrewd, and independent, he did not see that there was any occasion for the interference of the House in the matter. There was nothing to prevent farmers from making such contracts as they pleased for permanent improvements. There was nothing which would prevent the farmer and his landlord agreeing as to permanent improvements, or even for the temporary improvements. The hon. Gentleman referred to Lincolnshire; but there the custom was that the incoming and outgoing tenants agreed between themselves as to the amount to be paid for improvements, and the landlord had nothing whatever to do with it. The basis on which legislation should be founded was, that it was just and equitable, and to the interest of landlords and tenants, and of the public generally, that tenant-farmers should be compensated at the termination of their holdings for permanent improvements made during their occupation. The question of details was one with regard to which there might well be differences of opinion among men who were practically acquainted with the subject. The greater part of the hon. Gentleman's speech was a criticism of the Bill of the hon. Member for South Norfolk (Mr. Clare Read), which was introduced last Session, and he thought there was considerable inconvenience in discussing now the details of a measure which was not immediately before them. He was not going to imitate the hon. Gentleman; but he would, however, remark that one object of true Liberalism was to secure to everyone the produce of his labour, and if any Liberalism asserted that landlords, or any other class, should have power to take a tenant's improvement

without compensation to the tenant, he did not subscribe to that kind of Liberalism. The hon. Member for Lincoln had strongly deprecated any interference with freedom of contract. It was, however, a fact that in a small part of England only was there any settled arrangement existing between landlords and tenants as to compensation for permanent, durable, or even temporary improvements effected on the farms; and it was the settled conviction of men practically acquainted with the subject, including the hon. Member for South Norfolk—a conviction which he (Mr. Barclay) affirmed, on behalf of the tenant-farmers—that unless an Act of Parliament on that subject did interfere, in some shape or other, with freedom of contract, it would practically be worthless. Such interference would be quite justifiable, inasmuch as the possession of land was a monopoly, and ought by all the principles of political economy to be regulated as a monopoly. The Truck Act interfered with freedom of contract between the working man and the employer; the Shipping Act interfered with freedom of contract between sailors and shipowners; and the ownership of land being a monopoly, it was consistent with all the principles of political economy that it should be treated as a monopoly by the Legislature. Under the law of England the game belonged to the tenant; yet almost invariably the landlord reserved to himself the right to preserve a large quantity of game on the land occupied by the tenant, without paying any compensation whatever for the damage done to the land. ["No, no!"] He ventured to say that that was the general rule, although there might be many exceptions to it. Speaking from his own experience, in regard to Scotland, he must say that he could recollect very few cases in which compensation was paid to the tenant on that account. The question was one which passing events seemed to urge on the consideration of that House. He believed that existing circumstances made it important that this question should soon be settled, for, in the contest going on in the Eastern Counties, there was a tendency towards a rise of wages, and that would, no doubt, lead to a contest between the landlords and the tenants. His object was to show the necessity of legislation on that subject, with the view of inducing

farmers to invest capital more largely in the cultivation of the soil. For a few years from 1852, farmers who possessed leases derived considerable benefit from the establishment of Free Trade. But, as time went on, the advantages of the Free Trade policy were gradually appropriated by the landlords, and that was conclusively shown by the increase of rents. In 1855 the rental of Forfarshire was £370,598; in 1873 the rental had increased to £540,520, being an increase of nearly 46 per cent. In 1855 the rental in the county of Aberdeen was £526,640; in 1873 it was £750,000, being an increase of 42½ per cent. He was quite ready to admit that a certain portion of that increase was due to the expenditure of money on buildings not connected with agriculture, and that another portion was due to the great improvements effected in the cultivation of land since the introduction of the Free Trade policy which the landlords had strenuously opposed; but a very large portion of that increase of the rental was due to the improvements effected by tenant-farmers, which improvements were appropriated by the landlords as the leases fell in. It might be asked, why did the tenants pay such large rents? Tenants must accept the terms offered by the landlords, or expatriate themselves. The landlords had a monopoly, and a power to obtain a constantly increasing rent from their tenants. All, however, did not act thus, and it was said that the feeling which prevailed between the landlords and the farmers in England was of a more cordial nature than that which prevailed in the Northern part of the United Kingdom; and that, he thought, was due to the fact that English landlords were not as strenuous in insisting on an advance of rent as landlords in certain parts of Scotland. To show that the present position of agriculture was untenable, he would refer very briefly to the present prices and cost of production, as compared with that in 1855. He found that in the 10 years previous to 1855 the average price of wheat per quarter was 53s., and that the average price in the 10 years previous to 1872 was only 51s. 4d. Therefore, on an average of 10 years, the price of wheat was 1s. 8d. per qr. less than it was previous to 1855, notwithstanding the great increase in rents to which he had referred. It

might be said that the price of beef had increased so far as the tenant-farmers were concerned; and so it had; but the advance in the price of meat had been very greatly over-estimated, and the public had looked more at the retail prices than to the wholesale prices. It was the wholesale price which was the test in judging what profit the farmer got on the produce of his land. He found on reference to a Return published by the Veterinary Department that the average price of beef was in 1864, 6½d. per lb., and in 1873 a mere fraction over 7d. The increase in the price of beef during these nine years thus amounted to only three-eighths of a penny per lb. That, no doubt, did not correspond with the experience of hon. Members; but he wished to point out to them that the great advance in the price had not been on the whole carcase, but on the finer portions. It was, therefore, not at all obvious how the Free Trade policy had been advantageous to farmers as it had been to all other classes of the community. Between 1852 and the present time, as was shown by the figures of Mr. Caird, the value of labour had risen 50 per cent; and though labour was saved by machinery, the increased produce did not correspond with the increased cost of production. From that, it did not require a lecture on political economy to teach them that this state of affairs could not continue, and that it must result in one of two things—either there must be a reduction in the rents of farms, or the farmers must endeavour to meet the cost of produce by getting more out of the soil. He did not recommend or desire to see the first proposal. He did not desire to see any reduction in rents, because he thought that would be only an alleviation, and not a cure, of the evil; but he was of opinion that if there was a re-arrangement of the tenure of land, whereby a tenant would be induced to invest a much larger amount in the soil, the result would be highly advantageous, not only to the landlord, but to the tenant and the public generally. The problem before the House, and which he hoped the House and the Members of the Government would endeavour to solve, was how to ascertain the amount of capital belonging to the tenant left by him in the possession of the landlord on giving up his

Mr. J. W. Barclay

lease, and how he should be compensated for it. The Bill which was introduced by the hon. Member for South Norfolk last Session was a very fair endeavour to deal with the question, so far as England was concerned; but as a 20 years' lease withdrew the holder from the operation of the Act, that Act would not have been applicable to Scotland. He thought that they ought to endeavour to establish a system, whereby a tenant might be encouraged to maintain the fertility of his farm to the last year of his lease. Under the existing system, a tenant entering upon a farm endeavoured during the first half of his lease to increase its fertility; but during the latter half his endeavours were principally concentrated upon withdrawing from the land what he had invested on it, during the first half, in manure. The result was that they had a continual "see-saw," for when a farmer came into a farm, he found it wanted manuring, and when his lease expired, he left it in such a condition that a similar course must be taken by the tenant who followed him. If landlords were brought to recognize the policy of agreeing with tenants, some four or five years before a lease expired, for a renewal, the House might not have to consider this difficult question. He did not agree with the hon. Member for Linlithgow, when he indicated that two years would be sufficient to enable a tenant to withdraw from the soil money invested in it during the existence of the lease. He (Mr. Barclay) should say that if the tenant-farmer was able to do that, he must have done very little in the way of improving the fertility of his farm. He thought that they had a right to expect from Her Majesty's Government that they should endeavour to deal with this subject, for from what had been said by an eminent Member of the party, the tenant-farmers, not only in England but in Scotland, looked to the present Government for some measure dealing with the question, and he believed that that expectation was not without its effect at the last General Election. It would be admitted that the House required considerable pressure to induce it to deal with such questions, and he did not think that much could be expected so long as farmers allowed themselves to be led away by the question of the reduction or the repeal of the malt-tax, the transference of local

taxation to the Consolidated Fund—which would benefit the landlords only—or by such a Tenant-right Bill as had been advocated by many Chambers of Agriculture, which simply allowed landlords and tenants to make bargains which at the present time were not illegal. So long as they were led away by these cries, he did not expect they would get much improvement in their position from the House. The importance of the question was shown by the fact that if the produce of the soil could be doubled by the judicious investment of capital, the annual return involved amounted to £125,000,000. In conclusion, he had much pleasure in supporting the Motion, although he did not agree with the speech of the hon. Gentleman who had brought it forward.

Mr. PELL said, he was somewhat startled by the speech of the hon. Member for Lincoln, who did not say a word about there being anything defective in the cultivation of the land of this country, nor make any suggestion for improving that cultivation; but, on the contrary, had directed his whole efforts against the Bill of last year. Her Majesty's Government could learn very little from that speech, unless to distrust the advice of one of their own Members, whose Bill of last year the hon. Gentleman had so severely criticized. The hon. Member for Linlithgow followed the hon. Gentleman the Member for Lincoln, and certainly that hon. Gentleman had no very high opinion of the farmers south of the Tweed, whom he styled serfs and instruments in the hands of the landlords who oppressed them; but he said not a single word to lead to the inference that the land was not producing as much as it could possibly do. He (Mr. Pell) would challenge any other country to show such results. The cultivation of the land had improved and was improving. Not a word had been said about the cultivation of the land of other countries; but no other country in Europe approached us with reference to the amount of produce we got from our land. Take Belgium, for instance. She had a good soil; her people were active, and had every appliance necessary for getting the most out of the land. Belgium produced 3 bushels of wheat per head of the population; the United Kingdom produced at the rate of 3½ bushels. She had only 25 cattle and 12 sheep for every 100 of the population; the United King-

dom had 31 cattle and 102 sheep for every 100 of the population. The weight of foreign cattle was 500lb.; that of the British cattle was 600lb. The weight of foreign sheep was 50lb.; that of sheep in England was 60lb. The land was not only able to raise this amount of food, vegetable and animal, but also wild rabbits, which he would rather do without. He was certain that Her Majesty's Government were ready to receive any advice pointing out the means of remedying anything that might need a remedy on this subject, and to act upon that advice; but all that had been done by hon. Gentlemen was to condemn the present state of things. The only attempt that had been made to legislate on the subject had been made by one of the Members of Her Majesty's Government (Mr. Read), and he (Mr. Pell) did not agree with portions of the Bill which that hon. Gentleman introduced. No measure could be devised to restrict contracts between landlords and tenants, which could not be overcome, if not by the general ingenuity of men, at least by legal ingenuity. With regard to a statement of the hon. Member for Lincoln, the larger portion of the land in this country was the subject of marriage and other settlements, and he appealed to the legal Members of the House whether it was not the invariable practice to insert in such settlements powers to grant leases and renewals of leases. For 30 years he had cultivated land for which he had paid rent, and he had never experienced on giving up one farm to take another the consequences described by hon. Gentlemen. When he took a farm the agreement stated the provisions under which he could go out of it and every prudent man would take this security; but when, owing to the low rent at which land had been let, men came tumbling over each other's heads to get it, and took it on any terms, evil consequences might follow. No legislation either could or ought to guard against that. He should be sorry if any Ministry attempted to foster the cultivation of the land. That cultivation would go on best when not interfered with by legislation. Probably only the abolition of primogeniture and of the law of entail, and the breaking up of large estates, would satisfy the requirements of hon. Gentlemen who came from the North of the Tweed, but he hoped they

Mr. Pell

should never come to that in England. He did not agree with hon. Members that unlimited capital should be applied by the tenant to the land, but only so much as would yield a good return. It should be remembered, too, that in England, the landlord only got $3\frac{1}{2}$ per cent for his capital, and the farmer from 8 to 10 per cent, and as a farmer he could do far better by hiring the land than buying it. In conclusion he trusted that Her Majesty's Government would not take up a subject like that at the fag-end of a Session, and would, if they dealt with it at all, do so at a proper time and in a proper way.

Mr. CARPENTER-GARNIER said, he was glad the question had been brought forward, for, as the law stood at present, a tenant, unless protected by express stipulations or by the custom of the country, could not obtain compensation for permanent improvements, and he thought that law ought to be altered. The Committee which sat in 1848, under the presidency of Mr. Pusey, reported that it was inexpedient to interfere with the freedom of contract. English farmers were perfectly capable of entering into contracts and protecting themselves, and it would be a very dangerous precedent to do away with freedom of contract. He would give a fair and equitable compensation to tenants, and he hoped the Government would direct their attention to this subject, with the view of introducing next Session a Bill founded on that of the hon. Member for South Norfolk, but without the 12th clause. Nearly three-fourths of the land of this country was held on yearly agreement, without compensation, and the Bill of last Session, without the 12th clause, would affect all those cases.

Mr. M'CARTHY DOWNING said, that as he had taken great interest in the Irish Land Bill, he had thought it his duty to come down to the House that evening, not to take part in the discussion, but to help to form a House. But he had never been more disappointed than he was with the speech of the hon. Member for Lincoln. So far from that speech being in favour of the Resolution he had proposed, every sentence of it tended in an opposite direction. The hon. Member objected altogether to the Bill of the hon. Member for South Norfolk. The hon. Member did not seem to know anything of the law

with regard to this question. The law of England was, that if a tenant erected buildings on his land with the consent of the landlord, and if the landlord did not give him compensation for them when he was evicted, the tenant had a right to remove the buildings from the land. He (Mr. Downing) had always considered the Irish tenants were the worst treated in the world; but from the description he had heard that night, he must say the Scotch agricultural tenant was in a much worse condition. Scotch tenants could be evicted without compensation, and numbers had been turned out of their holdings without any cause whatever. Had there been no evictions in Scotland for the purpose of increasing game? Were not those people entitled to compensation? Why had Scotch Members not dealt with this subject as Irish Members had done? The result was, that in Ireland a tenant could not be turned out of his holding without six months' notice, and without compensation for improvements and also for disturbance in his occupation. A time would come when the tenants both in England and Scotland would feel their unprotected position, and when they did, there would be a greater agitation for a land Bill than ever there was in Ireland.

MR. DISRAELI: Sir, I came down to this House to fulfil my first duty—to assist in securing a House for the Gentlemen who had Motions to-night, and also, like the hon. Gentleman who has just sat down, for the purpose of listening to the hon. Member for Lincoln. But I must say I did not experience that disappointment in listening to that speech which he has confessed. It appeared to me an extremely sensible speech—a speech delivered by a Gentleman who had well considered the subject, and who on all points connected with it took moderate and practical views. That speech was certainly a criticism—but a moderate, although at the same time an elaborate one—on the Bill introduced into Parliament last year on the subject of unexhausted improvements, and other points connected with the position of the farmer. Now, that Bill was one to the general scope of which I was not at all unfavourable, although there were clauses and provisions in it—which have been criticized with great power by the hon. Member

for Lincoln—which I could not approve. The question is not one of such simplicity as some hon. Gentlemen would suppose. It has been before Parliament, more or less, during the long period I have sat in this House. When I first recollect its being discussed here, we were told by those who complained of the position which the farmer then occupied with respect to the compensation which was wanted for unexhausted improvements, that there was only one cure for the evils of which they complained, and that was, he should possess a lease. We were told that he should not only possess a lease, but he should possess a long lease, and that in every way possible we should bring the cultivator of the soil in England into a parallel condition with that of the Scotch farmer. A Scotch farmer with his long lease was always held up to English landowners as a model which we should attempt to realize in this country; and we were told the more we approached that position, the more prosperous would be the condition of the English farmer, and ultimately, that in realizing an identity of circumstances with the Scotch farmer, we should have a complete specific against all complaints that could be made. Now, we consider the subject with some advantage. First of all, time has brought us experience. Changes have occurred which have brought into this House Gentlemen intimately and immediately connected with the cultivation of the soil in this country, and also in Scotland. We have been addressed to-night by two Gentlemen—Scotch Members—who, I believe, are personally connected with the cultivation of the soil. And certainly the hon. Member for Forfarshire (Mr. Barclay) has given us a full and elaborate account of his experience in this respect. And what has he told us? Why, we have heard from him to-night—and, both from the high position in which he has been placed by his countrymen, and from the ability which he has displayed in addressing us, he is entitled to our confidence—we have heard from him that of all systems the one which is most to be deprecated is the agricultural system of Scotland based on long leases, and especially on leases of 19 years; that it is a see-saw system which enriches the land for the benefit of the cultivator for one half of the term, and

then regularly exhausts it for the other half. And that is the system which for nearly half a century has been held up to the English landlord as the one which he was bound in duty to realize and establish in this country, accompanied, as that advice was, with an intimation of the belief that, under no circumstances, was such an exercise of patriotism to be expected on his part. But we learn to-night that, on the difficult question with which we have to deal, we must on no account follow the Scotch example; and the highest authority—as I may conclude the hon. Member is on this subject—warns us that all that appeal to Scotch experience and Scotch farming must be thrown out of our consideration if we are to deal practically and satisfactorily with this matter. I say that that is a lesson which should not be without some result upon those who have been always calling upon the Government to take up this question as if it were a very easy and simple one, and who now appeal to a Ministry which acceded to office somewhat late in the Session, now approaching its end, and and in the teeth of the most contrary opinions expressed by every hon. Gentleman who has spoken to-night—because even those who supported the general Resolution of the hon. Member for Lincoln took every opportunity of opposing and arguing against every sentiment his speech contained and every reason it urged. Yet we are asked, under these circumstances, suddenly to cut this Gordian Knot. I must, on the part of the Government, disclaim such a duty on our part, and any readiness in a hasty, precipitate, and indigested manner to bring forward a subject of this kind. The question, however, is one that deserves the consideration of a Ministry; and if we remain on these benches—as I hope it is no presumption to suppose that we may do—a sufficient time to afford us an opportunity of fulfilling our engagement, we shall give to this subject the consideration which I, for one, believe it merits. In fact—I will not conceal it from the House—it is one which we have already considered. When the Government was formed, we naturally took into consideration the measures which, during the last Session of Parliament and at other times, were brought before the attention of the House. And this being a measure which

much interested hon. Members, particularly on this side of the House, and which previously engaged our attention during the late Parliament, it is one which we neither wished to avoid considering, nor, had we wished, could we have avoided considering. But though I agree in the general sentiment expressed in the Resolution of the hon. Member for Lincoln, I am not prepared to support that Resolution, on this ground—that I think we must all have felt the great inconvenience of the House passing abstract Resolutions of the kind. The question of compensation for unexhausted improvements in the cultivation of the soil is one which has now occupied the attention of the country for a considerable period, and I cannot say that the debate has been promising of a very satisfactory result as regards a solution of it, or that if we were to attempt to frame our policy upon the opinions enunciated to-night by hon. Gentlemen—and especially by hon. Gentlemen opposite—I should be sanguine of producing a measure that would give the general satisfaction which one would desire on a subject of this nature. But I am still of opinion that if we do not seek after the impossible—if we do not attempt to force men into agreements which human nature recoils from, such as have been embodied in some clauses of the Bill which has been so often referred to to-night, there are grounds on which a very general concurrence might be anticipated, and that the general principle that for unexhausted improvements a *bond fide* compensation should be secured to the tenant, may be practically attained. That is all I wish to say on the present occasion. I have no desire to oppose the general policy expressed in the Resolution of the hon. Member for Lincoln. My opposition to it is based on the general ground that I think we should not encourage abstract Resolutions in this House, excepting under circumstances of great exigency and public interest. There may be occasions when the House is desirous that a particular policy should be followed, and when they have reason to believe that those who are in power are disinclined to follow the bent and disposition of the House and the country on a subject of this great importance. At such a time the House may be authorized to call upon hon. Members to adopt

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some abstract Resolution, or some general expression of policy; but that is not the case now, for the matter before us is one in which we are all interested, and in the main object to be attained we are all agreed. Therefore, in my mind, the best thing we can do, under the present circumstances, is not to require the House to declare any vague opinion, but to believe that in the next Session of Parliament the consideration of the House may be called to it in a manner that may not realize the views which some hon. Gentlemen have expressed to-night, but which may promise the practical solution of a question of great national importance.

MR. FAWCETT said, he felt bound to appeal to his hon. Friend the Member for Lincoln, after the speech just delivered by the Prime Minister, not to divide. Considering the difference of opinion expressed even by the supporters of the Motion that night, they could scarcely expect anything more from the right hon. Gentleman than he had said. Most great reforms had been heralded by voting in favour of abstract Resolutions; but when they were brought forward, and voted upon in order to herald some great reform, those who supported them were generally agreed in their opinions. That debate showed that public opinion was not sufficiently advanced for there to be an agreement on that question. The right hon. Gentleman had, however, recognized the justice and the importance of giving the tenant compensation for unexhausted improvements, and the most advanced and earnest reformer on the subject of tenant-right was a Gentleman, now a Member of the Government, and one in whom the Prime Minister had expressed great confidence.

MR. CHAPLIN joined in the appeal to the hon. Member for Lincoln not to go to a division. Many Gentlemen on his side of the House, including himself, took as great an interest in that question as the hon. Member opposite (Mr. Seely), and to them the speech of the Prime Minister was eminently satisfactory.

MR. SEELY said, that seeing the feeling of the House, he would, after what had been stated by the right hon. Gentleman at the head of the Government, ask leave to withdraw his Motion.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—*considered* in Committee.

Committee report Progress; to sit again upon *Monday* next.

INTOXICATING LIQUORS (IRELAND)

(No. 2) BILL. [BILL 114.]

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.*)

COMMITTEE.

Order for Committee read.

(In the Committee.)

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (Occasional licence required at fairs and races).

MR. WILLIAM JOHNSTON, in moving as an Amendment, in line 25, after "races," to insert "or open air assemblage or excursion," said, he did so on the ground that that description of licence was, at present, sold under very irregular conditions, and his object was to check the evasion of the law which occurred in consequence.

MR. M'CARTHY DOWNING, in opposing the Amendment, said it would permit drink being sold at open-air gatherings in the North of Ireland, a proceeding he strongly objected to.

SIR JOHN GRAY said, the consumption of intoxicating liquors at such meetings led to riots, resulting in the destruction of property, and he therefore felt bound to oppose the Amendment.

SIR MICHAEL HICKS-BEACH said, that on the grounds alluded to by the two hon. Members, he thought it would be better if the power to sell liquor was not extended on the occasions alluded to in the Amendment.

Amendment *negatived*.

Clause *agreed to*.

Clause 5 (Occasional licences—extension of time for closing).

On the Motion of Sir MICHAEL HICKS-BEACH, Amendment made in page 2, line 41, after "words," by inserting "sunrise until."

SIR MICHAEL HICKS-BEACH moved, as an Amendment, to insert in page 3, line 1, after "hour," the words "not earlier than sunrise or," and in same line to leave out "not."

MR. SYNAN thought that by omitting the word "not," the clause would be rendered obscure, and suggested it should be retained.

Amendment agreed to.

MR. R. SMYTH moved, as an Amendment in page 3, line 1, to leave out "ten," and insert "eight." He said the purport of his Amendment was to prevent as much as possible drinking at races or fairs. When people went to such places, they should return home as soon as the races were over; but if tents and booths were allowed to be kept open until 10 o'clock at night, the consequence would inevitably be a great increase of drunkenness. He was informed that the object of the clause was not to accommodate the people, but gentlemen who stopped to dine, and who, by being allowed to remain until 10 o'clock at night drinking, set a very bad example to those around them.

Amendment proposed, in page 3, line 1, to leave out the word "ten," in order to insert the word "eight."—(Mr. Richard Smyth.)

MR. SYNAN was of opinion that the words "one hour after sunset" had better be inserted in the clause. By adopting eight, as proposed by his hon. Friend, they forgot that in winter that was a very late hour.

MR. BUTT said, the original Act had nothing to do with fairs or races, but to enable persons attending public dinners to remain until 10 o'clock at night, which was certainly an early hour.

MR. SYNAN said, the right hon. Gentleman ought to fix an hour suitable to the season. Eight o'clock in winter was almost as bad as 10.

SIR MICHAEL HICKS-BEACH reminded the hon. and learned Gentleman that the whole question rested with the discretion of the magistrates.

MR. SYNAN: But I object to give them a discretion to keep open booths and tents until 10 o'clock at night.

MR. R. SMYTH was afraid they were getting into a state of inextricable confusion, and hoped some Member of the Government would give them an explanation.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) said, the clause merely meant this, that these places should not be opened until "one hour

after sunrise," and not keep open later than 10 o'clock at night at the discretion of the justices. The hon. and learned Member for the County of Limerick objected to that discretion, but he (the Attorney General for Ireland) thought it was unreasonable to suppose a body of gentlemen in their position would use that discretion badly. If they did, they must be very unfit for the offices they held.

MR. SULLIVAN supported the Amendment.

MR. COGAN thought the subject ought to be cleared up, and he should be glad to hear from the Attorney General for Ireland an assurance as to the cases to which the clause was intended to apply. If they did not have that assurance, he thought the clause ought to be postponed.

SIR MICHAEL HICKS-BEACH stated that the clause was intended to apply to fairs and agricultural meetings, which might be held at places not licensed, and he could not see any inconvenience in allowing the powers.

MR. MELDON supported the Amendment, and said that there was no question as to the capability of the magistrates to regulate the period during which the booths should be open. There was not any doubt of their fitness, but magistrates were not anxious to have such a discretion. Besides, there was not any reason why the House should not now decide that 8 o'clock was quite late enough to allow drinking on race courses. The sooner people were induced to go home the better; and certainly, so far as Ireland was concerned, order and tranquility could be much better kept at races if the people were sent off the course as soon as possible after the sport was over. There could be no second opinion about the matter, and if the Amendment was accepted the duties of the police would be very much lessened.

Question put, "That the word 'ten' stand part of the Clause."

The Committee *divided*:—Ayes 106; Noes 54: Majority 52.

Clause, as amended, *agreed to.*

Clauses 6 to 9, inclusive, *agreed to.*

Clause 10 (Exemption from closing in respect of markets, fairs, and certain trades).

MR. BUTT, in moving, as an Amendment, in page 4, line 16, to omit the words "(one of such justices being a resident magistrate)," said, that if the words were retained in the clause, it would be making an invidious distinction between the ordinary country and borough magistrates and the stipendiary magistrates, who were the paid officers of the Government. Besides, he wished to strike a blow at the spirit of centralization, which was placing the management of all country affairs in the hands of the officials in Dublin Castle.

MR. M'CARTHY DOWNING said, he warmly supported the Amendment of his hon. and learned Friend; but it was because he proposed to himself a very different object in carrying it than that put forward by him. It was known the stipendiary magistrates could not be ubiquitous. In the West Riding of Cork County one stipendiary magistrate was supposed to attend ten Courts of petty session, and of these he was only able to attend four, and that only once a fortnight.

SIR MICHAEL HICKS-BEACH said, he had no wish to make any invidious distinction between the country gentlemen and the resident magistrates, and he would therefore agree to the Amendment.

Amendment agreed to.

Words struck out accordingly.

MR. MELDON, in moving, as an Amendment, in page 4, lines 26 and 27, to leave out from "except" to "morning," both inclusive, and insert "being between the hours of two of the clock in the morning and the usual hour for opening such premises," said, its purpose was to enable the magistrates to grant exemptions in the morning in favour of men attending fairs and markets. As a rule, he objected to exemptions, especially those which related to keeping open at night, as the houses were sure to be used by all others besides those in whose favour the exemptions were granted; but he thought that men who were up all night driving cattle to the fairs and markets, or in carrying commodities to them, should be enabled to obtain in the morning that refreshment which they needed, and he would extend the same indulgence to those who were engaged about the markets. As the clause stood great evil

would be caused by certain houses being kept open all night for the accommodation of printers, bakers, steam-packet porters, and such persons. He trusted the Government, who really would be responsible for the bad effects of allowing the clause to pass, would accept the Amendment.

CAPTAIN NOLAN supported the Amendment, thinking it absolutely necessary that people who attended fairs and markets should have the means of refreshing themselves.

SIR MICHAEL HICKS-BEACH believed there would be cases where exemptions of this kind would be just as necessary as a public convenience before the hour of one in the morning as after the hour of two. The working of this clause was only meant to be exceptional. It was carefully guarded by the provision that licences of the kind should be only granted in petty session, and only for such days and hours as were named in the licence.

MR. SULLIVAN said, that in the City of Dublin this clause would lead to the very worst consequences. Previous to the passing of the late Act of Parliament, there were what were called night-houses in London allowed by the Commissioner of Police to be open nearly all night, presumably for the convenience of printers, but the fact was these houses were open to all the world. He protested against the possibility of a gin-palace being opened at all hours at the very doors of large factories, and the only effect of such a course would be to demoralize those establishments.

Amendment negatived.

MR. SULLIVAN moved the rejection of the clause altogether, and in doing so, said, he had no objection to the power as regarded fairs or markets, but what he did object to was giving the Commissioner of Police in Dublin the power of allowing public-houses to be open all night for the convenience of particular trades. If, however, the clause were amended so as to include fairs and markets, he would not oppose it.

Motion made, and Question proposed, "That the clause be omitted from the Bill."—(*Mr. Sullivan.*)

SIR MICHAEL HICKS-BEACH explained that in inserting the words "Commissioner of Police" he had fol-

lowed the example adopted in 1872 for London, where the Chief Commissioner of Police was taken as the authority, and he thought the same authority in Ireland should be entrusted with similar powers.

SIR JOHN GRAY agreed with the hon. Member for Louth that the effect of keeping these houses open all night would be most demoralizing, and said that he should not object to the clause if words were inserted giving this power to the Commissioner of Police if he thought fit, provided the consent of the managers of the factories to have the places open near them was obtained.

Question put, and *negatived*.

Clause, as amended, *agreed to*.

Motion, "That Mr. Chairman report Progress,"—(*Mr. Sullivan*,)—put, and *agreed to*.

House *resumed*.

Committee report Progress; to sit again upon *Tuesday* next.

NEW MINT BUILDING SITE BILL.

On Motion of Lord HENRY LENNOX, Bill for the removal of the Royal Mint to a new site, ordered to be brought in by Lord HENRY LENNOX and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time; and referred to the Examiners of Petitions for Private Bills. [Bill 162.]

House adjourned at One o'clock,
till Monday next

HOUSE OF LORDS,

Monday, 22nd June, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Drainage and Improvement of Lands (Ireland) Provisional Order* (125); Conjugal Rights (Scotland) Act Amendment* (126); Building Societies* (127).

Second Reading—Board of Trade Arbitrations, Inquiries, &c. (103).

Committee—Report—Powers Law Amendment* (89); County Courts* (117-129); Public Health (Scotland) Supplemental* (106); Land Tax Commissioners Names* (102); Bar Admission Stamp* (105); Churches and Chapels Exemption (Scotland)* (114).

Report—Holyhead Old Harbour Road* (83); Supreme Court of Judicature Act (1873) Amendment (118-128); Tramways Provisional Orders Confirmation* (50).

Sir Michael Hicks-Beach

Third Reading—Pier and Harbour Orders Confirmation* (37); Court of Judicature (Ireland) (121); Local Government Board's Provisional Orders Confirmation (No. 3)* (82); Four Courts Marshalsea (Dublin)* (107); Revenue Officers Disabilities* (94), and *passed*.

CATHEDRALS AND CHURCHES.

ADDRESS FOR RETURNS.

LORD HAMPTON moved an Address for a Return showing the number of churches (including cathedrals) in every diocese in England which have been built or restored at a cost exceeding £500 since the year 1840; and showing also, as far as possible, the expenditure in each case and the sources from which in each case the required funds were derived.

THE BISHOP OF LONDON said, there was no objection to the Return, though in some dioceses, especially in that of London, there would be considerable difficulty in furnishing it. The number of churches consecrated in the diocese of London since 1840 could easily be furnished, but there was no official record of the cost of those churches, nor any means by which the sources whence the funds were derived could be ascertained with precision.

Motion agreed to.

BOARD OF TRADE ARBITRATIONS IN- QUIRIES &c., BILL.—(No. 103.)

(*Lord Dunmore.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF DUNMORE, in moving that the Bill be now read the second time said, its purpose was to amend the powers of the Board of Trade with respect to inquiries, arbitrations, &c., and other matter under special Acts, and to amend the Regulation of Railways Act, 1873, so as to enable the Board to refer differences of a particular description to the Railway Commissioners in lieu of arbitrators. For the first-named purposes power was given to the Board to hold any inquiry by means of any persons they might authorize. By this means any inquiry into a matter requiring special knowledge or qualifications could be conducted by experts in the particular subject-matter. The second clause en-

abled the Board of Trade to certify all expenses incurred in such inquiry or arbitration, and decided that they should be paid by such of the parties as the Board might direct. The sixth clause enabled the Board to refer any difference to which a railway or canal company was party to the decision of the Railway Commissioners, who were to have the same powers in relation thereto as if the matter had been referred to them in pursuance of the Regulation of Railways Act, 1873.

Motion agreed to; Bill read 2^a accordingly and committed to a Committee of the Whole House To-morrow.

SUPREME COURT OF JUDICATURE

ACT (1873) AMENDMENT BILL.

(The Lord Chancellor.)

REPORT.

Amendment reported (according to Order).

LORD REDESDALE repeated the objections urged in Committee against the constitution of the Imperial Courts of Appeal, and also contended that under the system proposed by the Bill there would be the risk of a conflict of authority between Committees of Privileges in their Lordships' House and the new Court.

THE LORD CHANCELLOR observed that as to the constitution of the Imperial Court of Appeal, he had already said everything he had to say on that point. With respect to the other objections his noble Friend started on the false hypothesis that at present there could be no conflict between decisions on privilege and decisions by Courts of Law. At present there was a risk of such conflict, and just the same risk would remain after the passing of this Bill.

Further Amendments made; Bill to be read 2^a on Thursday next; and to be printed as amended. (No. 128).

COURT OF JUDICATURE (IRELAND)

BILL.—(No. 121).

(The Lord Chancellor.)

THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^a."
—(The Lord Chancellor.)

LORD DENMAN moved that the Bill be read a third time that day three

months. The attack upon the appellate jurisdiction of their Lordships was founded upon misrepresentation, exaggeration, and prejudice. It was stated that the House took no interest in the questions that were brought before it—that a Committee was appointed consisting of Members of that House, no one of whom felt any interest in the business, and that there was so much difference of opinion that they could not feel themselves justified in coming to a decision upon many questions. The opinion of noble Lords in 1823 was very different. Earl Grosvenor, though he objected to a clause in a Bill for enforcing the attendance of Peers, thought it would be worth while to see if a voluntary attendance could not be secured. His Lordship did not wish that any Peer should hear only part of a cause, and highly estimated the opinion and vote of the Lord Chancellor, though not valuing the mere legal opinion of a proposed Deputy Speaker. Lord Erskine said, he was well satisfied with the manner in which the judicial business of that House was conducted. Lord Melville said, that the Act of Union essentially recognized the right of appeal from Scotland to their Lordships' House. Lord Holland did not admit the defect imputed to the constitution of the House, and added that imputations on the negligence of noble Lords had been thrown out—by a Committee which had recommended a Deputy Speaker for Scotch appeals—which their Lordships did not deserve. Lord Colchester said, that *Stare super antiquas vias* was a safe principle upon most cases of policy, but upon none more than those which concern the accustomed forms of administering justice. Lord Ellenborough (Lord Chief Justice) said, there was nothing to prevent the Peers who should hear the first part (of a case) from remaining till the case was concluded. The Earl of Carnarvon objected to part of a case only being heard by those who might have to decide upon the whole. Lord Holland, on the clause for enforcing attendance being put, thought it would be better to leave the attendance to the honour and sense of duty of their Lordships. There had been a dread that appeals might be 12 years before they were decided, but Lord Gifford being created an hereditary Peer, cleared off all arrears in two years. As to rules of Procedure, in 1852 every change

of that date was put into the Act. But what were their Lordships going to do? They were going to institute a new system, and there was nothing about it to really claim the confidence of the country. In the Act which it was attempted to amend there was a provision that all Rules made to supplement the Act should be laid on the Tables of the Houses of Parliament whilst Parliament was sitting, and remain there for 40 days in the same way as schemes for schools had been subjected to the consideration of Parliament; but he found that in "another place" Her Majesty's Attorney General had denied that there was any necessity for delaying the operation of those Rules. He was certain that their Lordships had not considered their position. He contended that if they once did away with the appellate jurisdiction of the House of Lords, they would have no more connection with those noble and learned Lords of great experience who at present assisted them. He was quite certain that the Lord Chancellor, with the advice of Judges, when needed, and the concurrence of Peers, was capable of carrying on the cases, and deciding when any difficulty arose, and it was certainly not the time for their Lordships to give up their right of sitting on appeals. Vice Chancellor Stuart had said, in evidence before a Commission, that there was no case in which their Lordships would be incapable of administration. He (Lord Denman) would be surprised and delighted to find that the same opposition had been offered in "another place," as in times past, and he thought their Lordships should assert their own rights and privileges of doing good to their fellow creatures. A noble Duke not present (the Duke of Devonshire) had been reported as saying at a public dinner, in returning thanks for the toast of the House of Lords, that never in future history would the House of Lords play so distinguished a part as in times past; but he (Lord Denman) ventured to say that if their Lordships gave up their judicial duties, no decision of a Committee of their Lordships would be respected; they would even be considered incapable of assisting in making laws which they could not interpret. Lord Shaftesbury had well said, in 1675—

"My Lords, would you be in favour with the King? 'Tis a very ill way to it to put your-

Lord Denman

selves out of a future capacity to be considerable in his service. I do not find in story or in modern experience but that 'tis better, and a man is much more regarded that is still in a capacity and opportunity to serve, than he that has deprived himself of all for his Prince's service. And I therefore declare, that I will serve my Prince as a Peer, but will not destroy the Peerage to serve him."

Lord Lyndhurst had said—

"Look to this House; it was to the discharge of its judicial functions that it owed the character it had so long and he trusted would ever maintain. It was of the utmost importance that it should maintain that high station in the confidence of suitors, the profession, and the country in which it had so long stood."

He (Lord Denman) was quite sure there ought to be a House of Peers with a Chancellor at its head, having jurisdiction in all cases as before, and if this Bill passed, even if the parties interested on both sides should wish to have the decision of their Lordships' House, it would be impossible. The noble Lord concluded by moving his Amendment.

An Amendment moved to leave out ("now") and insert ("this day three months.")

On Question, That ("now") stand part of the Motion? *Resolved* in the Affirmative; Bill read 3^d accordingly. Amendments made; Bill *passed* and sent to the Commons.

PROTEST.

"DISSENTIENT":

"1. Because this House, as the Court of ultimate Appeal for Ireland, has secured to itself the approval and confidence of that country in the discharge of the duties so entrusted to it, and cannot surrender a privilege which has been attended with a result so advantageous to its character without injurious consequences to its own interests, and to those of the United Kingdom.

"2. Because this abandonment of jurisdiction is uncalled for by any expression of public opinion, and has been openly objected to by members of the legal profession in Ireland, who may be fairly held to represent the interests and wishes of their suitors and clients.

"3. Because the state of public feeling in Ireland, in regard to the Imperial Parliament, renders the transfer of the jurisdiction of this House, so respected in that country, to a new and untried English court particularly inexpedient at the present time.

"REDENDALE."

House adjourned at Six o'clock—
till To-morrow half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 22nd June, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Statute Law Revision * [163]; Infants Contracts * [164].

Second Reading—Friendly Societies * [140]; Valuation (Ireland) Act Amendment * [134]; Gas and Water Orders Confirmation * [158]; Courts (Straits Settlements) * [126]; Wenlock Elementary Education * [151]; Civil Bill Courts (Ireland) * [152].

Committee—Report—Colonial Attorneys Relief Act Amendment * [145].

Considered as amended—Working Men's Dwellings * [22].

Third Reading—Intoxicating Liquors * [160]; Juries (Ireland) * [153]; Municipal Privileges (Ireland) * [119]; Drainage and Improvement of Lands (Ireland) Act (1863) Amendment * [126], and *passed*.

IRELAND—PUBLIC HOUSES IN DUBLIN.

QUESTION.

MR. O'CONNER POWER asked the Chief Secretary for Ireland, What number of houses licensed for the sale of intoxicating liquors to be consumed on the premises were in Dublin at the time of the appointment of the present Recorder; how many there are at present; and, what has been the increase in the population of Dublin during that period?

SIR MICHAEL HICKS-BEACH, in reply, said, that he had not been able to obtain exact information on the subject; but he believed that when the present Recorder was appointed, the number of public-houses in Dublin was about 1,400. Since that time they had diminished to about 800, to the great benefit of all parties concerned. The population of Dublin in the year 1831, when the first Census was taken, after the appointment of the Recorder, was 203,000. At the last Census the population was 246,000.

LOCAL GOVERNMENT BOARD—SANITARY CONDITION OF EPPING DISTRICT.

QUESTION.

DR. LUSH asked the President of the Local Government Board, If he is now prepared to state what steps he proposes to take to remedy the bad sanitary condition of the Epping Local Board District?

MR. SCLATER-BOOTH: Sir, Epping is not a Local Board District. The Guardians have become the Sanitary

Authority under the Act of 1872. Since this Question was last addressed to me, I have received a Report from the Guardians showing that the rate of mortality in the District had been exaggerated, and that, if the workhouse be excluded from consideration, it was only at the rate of 19·13 per 1,000 during the six months ending December 1873, and is still lower in the present year. Great and unforeseen difficulties have arisen in the execution of the works of drainage and water supply undertaken by order of the Secretary of State some years ago, and these have been increased by the transfer of jurisdiction which has since been made. The Local Government Board have been urging upon the Guardians to take over the existing works, and render them available as far as possible for the purposes for which they were designed.

SPAIN—RECOGNITION OF THE EXISTING GOVERNMENT—QUESTION.

MR. SANDFORD asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government are willing to recognize the existing Government in Spain?

MR. BOURKE: Sir, the question of recognizing the existing Government of Spain is one which has engaged and is engaging the serious attention of Her Majesty's Government. There is no desire on the part of Her Majesty's Government to defer such recognition unnecessarily; on the contrary, it is their wish to give all moral support in their power to those who, under whatever Constitutional form, are endeavouring to maintain freedom and public order against reaction, on the one hand, and revolutionary anarchy on the other; but, considering the essentially provisional character of the present political organization of Spain, they think it better to wait until that organization shall have been placed on a more definite and permanent footing.

MERCANTILE MARINE—THE "WRECK REGISTER 1873"—QUESTION.

MR. MELLOR (for MR. PLIMSOLL), asked the President of the Board of Trade, If he can say how soon the Wreck Register for 1873 will be issued?

SIR CHARLES ADDERLEY: Sir, The Wreck Register for 1872 was not

circulated till October last, so that there has been no unusual delay this year; but in order to show all the casualties in the winter in one Return, and to be able to present *The Wreck Register* at the beginning of each Session, it has been determined in future to make it from the 30th of June to the 30th of June, instead of the 31st of December of each year. The Return for the six months ended the 30th of June 1873, is now in the printer's hands, and will be published as soon as the maps can be lithographed.

CATTLE—IMPORTATION OF INFECTED
CATTLE.—QUESTION.

MR. KAVANAGH asked the Vice President of the Council, Whether it is true that on the 3rd instant 200 oxen were landed at Thames Haven from Oporto off a vessel called the "*Olga*;" that several of these animals were found to be affected with foot and mouth disease, and were slaughtered in the Corporation lairs, but that the remainder of the cargo were sold for distribution over the country; and, whether he will consider how far home restrictions can be of avail in checking spread of disease while such facilities are afforded for its importation from foreign ports?

VISCOUNT SANDON: Sir, it is the fact that 200 oxen coming from Oporto were landed at Thames Haven from the *Olga* on the 3rd instant. They were then inspected and certified to be free from any contagious and infectious disease, including foot and mouth disease. They were exposed in the Metropolitan Cattle Market on the 4th instant, on which day six English beasts were seized on account of their being affected with foot and mouth disease. On the 8th instant, 11 foreign beasts, supposed to have formed part of the *Olga's* cargo, were found to be affected with foot and mouth disease, and were slaughtered accordingly. The rest of the cargo may have been distributed in the country. There is no reason to believe that the disease was imported by means of these animals. With respect to the last part of the Question, I can assure my hon. Friend that the Lord President is giving his best attention to the consideration of the restrictions which may be made available for checking the spread of disease, while such

facilities are afforded for importation from foreign ports.

INDUSTRIAL SCHOOL, FELTHAM—
DUKE OF YORK'S SCHOOL.

QUESTION.

SIR CHARLES W. DILKE asked the Paymaster General, Whether, when he, in reply to a Question on Thursday last, gave the House to understand that the boys at Feltham were boys of a class such that the "Duke of York's Boys" could associate with them with advantage, he was aware that the boys at Feltham were boys "under detention," detained on warrant; that sixty-three discharged during the last three years had been re-convicted, and committed to prisons; that of the boys admitted into the School in 1872, one hundred and sixty-nine, and in 1873, one hundred and fifty-four, had been convicted of "more serious offences" than begging and vagrancy; and that of the boys admitted in 1873, one hundred and twenty-nine had been convicted of larceny, six of unlawful possession or of attempts to steal, and seven of being in dwelling-houses for an unlawful purpose, against only fifty convicted for vagrancy or begging?

MR. STEPHEN CAVE: No, Sir, on that occasion I did not go into those details. I based my answer that Feltham is an Industrial School on the Annual Report, on a letter from the Superintendent, on another letter from the Inspector of Reformatories and Industrial Schools, on the facts that the lads go direct into the Army and Navy from Feltham, and that the London School Board sends truant boys there. I may, however, say that these formidable looking offences consist chiefly of pilfering from parents by children of from 9 to 13 years of age, and that the relapses mentioned amount only to 8 per cent of the whole number discharged. The hon. Baronet has, however, not given my Answer accurately. I did not say that the Duke of York's boys might associate generally with advantage with Feltham boys. I expressed no opinion upon the point. What I gave the House to understand was, that the "Feltham eleven," being composed wholly of unconvicted boys, had a right to be deemed as respectable as its antagonists. Since the second Question appeared, I have

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communicated with the authorities of both Schools, and this is what really happened. Twelve boys went to Feltham from the Duke of York's School in charge of the commandant and chaplain. At Feltham they were met by 12 Feltham boys of good character, under the superintendent and a master. They played their match in a field, and none of the other boys who were looking on were allowed near. The two elevens dined together in a tent with a master, and the visitors were, at the end of the match, marched back as they came, without the slightest communication with the rest of the School. I may add that it has long been the practice for Feltham to play the respectable village clubs in the neighbourhood; that the Committee, among whom are General Brownrigg and Colonel Lyon Fremantle, men not likely to be careless of the welfare of soldiers' children—have given their decision in favour of the matches; and to show the opinion of parents, I may say that a short time ago the Fife Major of the Fusilier Guards, who had his child's name down for Chelsea, withdrew it because he had obtained an admission to Feltham. I trust, therefore, that the House will not express an opinion hostile to the return match, in which I hope the soldiers may recover their lost laurels.

IRELAND—THE CONDITION OF THE LIFFEY.—QUESTION.

MR. SERJEANT SHERLOCK asked the Chief Secretary for Ireland, Whether his attention has been called to the strong observations made by the Lord Chief Justice of Ireland on Wednesday last as to the abominable condition of the River Liffey, and to the intimation of that learned Judge that he would retire from the Bench if the nuisance should continue; and, whether Her Majesty's Government propose to take any proceedings to compel the Corporation of Dublin to cleanse the River Liffey?

SIR MICHAEL HICKS-BEACH, in reply, said, his attention had been called to the observations of the Lord Chief Justice of Ireland on the occasion referred to by the hon. and learned Gentleman, and he was afraid the observations were made with only too good reason. It was some years since the Corporation of Dublin obtained from

Parliament power to take action with a view to cleansing the River Liffey, and it was also some years since the Government then in power carried a Bill to enable an advance of £300,000 to the Corporation of Dublin to act upon the powers they had obtained. He could not then enter upon the reasons which had caused the delay, but if it was a question of expense, he was authorized to state that the present Government were prepared to give a favourable consideration to any application that might be made by the Corporation for increased borrowing powers. Whatever might be done with regard to a permanent remedy for the state of the River Liffey, he thought some temporary remedy might be applied which would in a great degree abate the existing nuisance. Proposals to this effect had been made to the Corporation of Dublin by the Lord Lieutenant; and if they did not take such steps as might to some extent remedy the nuisance, Her Majesty's Government would be prepared to deal with them in any way which might be justified by the existing law.

MR. M. BROOKS, in explanation, said, that on Thursday next the Common Council of Dublin would meet for the purpose of asking Parliament for such increased borrowing powers as had been rendered necessary by the increased cost of work and materials, in order to carry out the cleansing of the Liffey.

ISLAND OF REUNION—BRITISH-INDIAN COOLIES.—QUESTION.

MR. E. JENKINS asked the Under Secretary of State for Foreign Affairs, If he will lay upon the Table a Copy of the Report of Her Britannic Majesty's Consul on the Condition of the British-Indian Coolies in Réunion?

MR. BOURKE, in reply, said, he could not promise at that moment to lay upon the Table of the House a Copy of the Report. The Report had been referred to the Viceroy of India, and until the Foreign Office had received the Viceroy's observations upon it, it would not be expedient to lay the document upon the Table of the House.

RUSSIA—REPORTED POLISH AMNESTY. QUESTION.

MR. CHARLEY asked the Under Secretary of State for Foreign Affairs,

Whether any communication, official or otherwise, has been addressed to Her Majesty's Government, by or on behalf of Count Shouvaloff or the Russian Government, that an amnesty has recently been granted to all Poles, with the exception of two or three deliberate assassins?

MR. BOURKE: Sir, no communication of the nature alluded to by the hon. and learned Gentleman, official or otherwise, has been received at the Foreign Office.

BOARD OF WORKS (IRELAND)—LOANS UNDER THE LAND ACT.—QUESTION.

MR. C. E. LEWIS asked the Chief Secretary for Ireland, If he is aware of the existence of any rule of the Board of Works in Ireland requiring all deeds for securing loans to tenants under the Land Act to be witnessed by the Solicitor for the Board, or his clerk, no matter where the parties may reside; and, if so, whether he is prepared to maintain a rule, involving in some cases great expense to the tenants taking advantage of the Act, as essential for the security of the Board?

SIR MICHAEL HICKS - BEACH: Sir, the sales referred to by the hon. and learned Member are sales under the 35 & 36 *Vict.*, c. 31, sec. 1, sub-sec. 3, amending the Landlord and Tenant Act of 1870. There have been only three sales under that Act, and they have been conducted in the usual manner, the responsibility of investigating title and securing the Board's advance devolving on the Solicitor to the Board. The conveyance to the tenant and the mortgage to the Board are effected by one deed, the form of which has been settled and printed for the use of the public. Following the usual practice in such cases, the Solicitor has required that the deed securing the Board's advance should be executed by the parties in his presence, or in the presence of one of the Board's officers, not only for better security, but to facilitate proof of due execution, should such become necessary. No costs, save disbursements, are charged either against landlord or tenant. In the case referred to by the hon. and learned Member, the Board's advance to the tenants amounts to about £4,000, and the only charge against them will be the expense of witnessing the execution of

the deed of conveyance and mortgage, amounting, it is calculated, to only 13s. each. With regard to the execution of the deed by the landlord in London, the solicitor for the tenants was informed more than three weeks since that the Board's solicitor expected to be in London during the month, and could see it executed without charge, but no reply has been received.

PARLIAMENT—PUBLIC BUSINESS.

QUESTIONS.

MR. W. E. FORSTER: Will the right hon. Gentleman at the head of Her Majesty's Government be good enough to state to the House which Bill will be taken on Thursday next?

MR. DISRAELI: Sir, if we conclude the consideration of the Factories Bill in Committee to-morrow evening, I propose that the Gold Coast Vote shall be taken on Thursday evening. As I am addressing the House upon the course of Business, I may mention another special subject, with regard to which I have intimated my intention to consult the convenience of the House. I allude to the subject of Home Rule in Ireland. I think, after what has occurred, it would not be conducive to public interest that there should be any further silence on this subject; and, therefore, as I understand that the course I propose will meet the convenience of hon. Gentlemen from Ireland who sit opposite me, it is my intention, with the permission of the House, to reserve the evening of to-morrow week for a discussion of the question.

SIR WILFRID LAWSON: Will the Vote in Supply with regard to the Gold Coast be the First Order of the Day?

MR. DISRAELI: If we conclude the Committee on the Factories Bill to-morrow evening, Supply will be the First Order of the Day on Thursday. The Vote on account of the British Museum will come first, but I do not anticipate it will take up much of the time of the House.

SIR WILFRID LAWSON: I am informed that the British Museum Vote will probably take a long time.

MR. DISRAELI: I do not anticipate that such will be the case. Even, however, if the discussion of the Vote takes up a longer period than usual, there will still remain a sufficient length of time

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for an adequate discussion of the Gold Coast question.

MUNICIPAL CORPORATIONS (BOROUGH FUNDS) ACT—LEGISLATION.

QUESTION.

In reply to Mr. A. MILLS, Mr. ASSHETON CROSS said, he was aware of the difficulties which had arisen under the Act referred to by the hon. Member, but he could not undertake in the present Session to bring in an amending Bill.

INTOXICATING LIQUORS BILL.

[BILL 160.]

(Mr. Raikes, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson, Mr. Chancellor of the Exchequer.)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(Mr. Secretary Cross.)

SIR WILFRID LAWSON, in moving, as an Amendment, that the Bill be read a third time that day three months, said: Sir, in proposing the Amendment of which I have given Notice, I know that I act under some disadvantage, and I may perhaps be allowed to say that I am not a very suitable person to bring forward the Amendment, because I see it stated in the newspapers that I am an impracticable Utopian fanatic. But knowing that this House is almost the only assembly in the world which will patiently and candidly hear both sides of a question, I beg the House to discard all prejudiced views relating to it. This Bill, of which the third reading has just been moved, it is hoped will be an improvement on the existing law, and not a measure to injure it. I hope, however, to make out to the satisfaction of the House that the measure is injurious to the existing law, and that it embodies proposals which will not tend to the advantage of the public; and if I make that out to the satisfaction of the House, the House ought to vote against the third reading of the Bill; but if I do not succeed in making that out, then the House ought to vote for the third reading of the measure before us. I will refer the House to what happened a few years ago on the subject. Mr. Bruce, then Secretary of State for the Home Department, brought in a Bill to

regulate the sale of intoxicating liquors. The Government of the day, and both sides of the House, considered it all important that the question should then be settled before a General Election, in order that it should not be made a party question, and accordingly, the party then in Opposition, but now in power, while offering a most strenuous opposition to all the other measures brought forward by the Government of which Mr. Bruce was a Member, energetically assisted in making it as perfect as possible. Unfortunately it was not so settled. The Bill was passed, a change of Government took place, and with it, it was expected that a change of policy would take place also. The late Government had succeeded in passing important measures, including the Irish Church Act, the Irish Land Act, and the Ballot; but the present Government, now they have returned to power, the measure which they choose for Amendment is the one they assisted in passing, leaving untouched those to which they showed so determined a front. On the 10th of April, the right hon. Gentleman the Home Secretary came down to the House and made a speech upon the evils of drunkenness and of the present licensing system. But whereas Mr. Bruce was endeavouring to do something good, it soon appeared that the right hon. Gentleman the Home Secretary was endeavouring to do some harm. No doubt, the course which the right hon. Gentleman took, coupled with what had taken place before, has made him popular with a certain portion of the community, and I have even heard that a song has lately been composed in his honour. I do not know much about it, but I am told that the chorus runs as follows—

"For he's a jolly good fellow,
Whatever the Rads may think;
He has shortened the hours of work,
And lengthened the hours of drink."

That song, I believe, is sung very much in the public-houses and gin-shops of London by the class which has been called the "residuum." The right hon. Gentleman's measure, however, has not earned the approbation of many other sections of the community, for the right hon. Gentleman knows as well as I do, that when his Bill was brought in, there was such an overwhelming and unanimous public opinion against it as has

seldom been equalled in England, and when we get more official information—when we get the Returns from the police—if the right hon. Gentleman dares to produce them—we shall then see that the Act of 1872 was working well, and that we ought not to have rejected its provisions. The right hon. Gentleman unfortunately declines to produce those Returns, which I am sure would very much strengthen my case against the present measure. Well, after that unanimous expression of opinion, we went into Committee upon the Bill, and division after division took place in favour of making it more restrictive than it is at present; because it was always a noticeable fact that when a division took place with the object of making the Bill more restrictive, the Government majority was the smallest. There can be no doubt the Bill, when it got into Committee, had been very much improved, and when it came out of Committee, it walked about under false pretences. Next, Sir, we went into discussion on the Report; and the Bill emerged from those discussions just as bad as it was when it was first introduced. Now let us consider for a moment what the Bill really does. The Government know as well as I do, and if I mis-state the case they can set me right. Well, this wonderful Bill, in the first place, will have this effect in London, that it will open 8,000 drinking houses, nearly 3,000 of them being beer-shops, for half-an-hour longer than before—namely, until 12.30 at night instead of 12 o'clock. And be it remembered, that in the four mile circle around Charing Cross beer-shops have, nevertheless, for the last 30 years been open after 12 o'clock. Again, in the metropolitan police district, which is the outer circle of 15 miles from Charing Cross, the existing beer-shops will be opened an hour longer than heretofore—namely, from 10 to 11 o'clock at night. That is bad enough, but then we come to another case which I will point out—namely, that of the large towns. It is well known that in Liverpool, Warrington, Hull, Birkenhead, and other places or towns containing upwards of 4,000 houses, at present, by the will of the magistrates, public-houses and beer-shops are kept closed until 7 o'clock in the morning; but under the Act we are now passing, these houses will all have to be opened at 6 o'clock, notwithstanding the remons-

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trances of hon. Members who represent those towns. With reference to the hour of closing at night, hon. Members also have begged and prayed that a fresh nuisance should not be inflicted upon them by Parliament, contrary to the will of the magistrates as proposed by the Bill: but with what result? Why, here we are, in spite of everything, passing what we were asked to strike out. Well, now, as to Sunday closing in the country, the hour is to be postponed from 9 until 10 o'clock, which will give an hour more drinking on every Sunday in those large districts, which I consider to be an extraordinary thing for the House to insist upon in the face of public opinion. Some people say we get something out of the Bill by closing the public-houses at 10 in these districts on week days; but the whole effect and benefit of that is counter-balanced by the number of beer-houses which will be opened for an extra hour, which I consider is a good indictment against the Bill. Indeed, the more it is looked into, the more it will be seen how admirably it is calculated to increase a public nuisance. I know the right hon. Gentleman will get up presently and defend his Bill, but let him dispose satisfactorily of that point. Again, we are told that, by Clause 6, the publican may, by paying 1½d. a-week less, obtain a six days' licence; but as the saving will be so insignificant, no one will think of availing himself of it, and the extraordinary part of the matter is that the discretion is to be left in the hands of the publicans, and not in those of the magistrates, the country gentlemen who are almost to a man supporters of the present Government. The 9th clause is called the drink-up clause; but it will not do much, and the 11th deals with the case of night houses, being, as I suppose, preliminary to the right hon. Gentleman's threatened measure for putting down illicit drinking in private houses. To be fair, however, I must say that the Bill will effect a change in some places where the magistrates have gone in for longer hours. At Oxford and Cambridge, for instance, where people seem to be given to late drinking, they will have to close earlier—which will, no doubt, be very heart-rending to my hon. and learned Friend the Member for Oxford. I would ask, what do we, the friends of sobriety and order get out of this Bill? Very little, indeed; and

I think we can indict it as a nuisance. A great cry has been raised about the endorsement of licences, and I think a step has been taken in the wrong direction in this respect. I will not, however, be hard upon the right hon. Gentleman upon this point, because he gives a discretion to the magistrates there. What I complain of is, that he gives no discretion to anybody in reference to the hours of opening and closing. Then with regard to the penalties which have been mitigated by the Bill, I have no complaint to make, because I believe the certainty of punishment is more effective than it would be were the penalties too severe. Neither do I care much about the adulteration clauses, because from what I hear, I do not believe that drink is adulterated so much as the articles of food which we consume—although, perhaps, looking at the matter from my point of view, the drinking of adulterated brandy may be the best cure for intemperance. The right hon. Gentleman has also relaxed somewhat the police clauses, and I shall not say anything about that if he thinks he can carry on the Act without them; but what I complain of is the lengthening of the hours and increasing the temptation to people to indulge in drink. On the face of that, everything else sinks into insignificance. The right hon. Gentleman said, in his opening speech, that the cause of drunkenness was the leisure and the high wages which people received. I agree with him, that it is the opportunity which causes most of the drinking; that has been my doctrine all the way through. The right hon. Gentleman also said that many people do not know how to spend their money for their own benefit and for the benefit of their fellow creatures; and so he has brought in a Bill, to enable them to spend more of their money in public-houses and beer-shops, out of which no one can receive an iota of benefit but the keepers of those houses. When we come to legislation of that kind, I think we ought to see that there is some demand for it. We ought to know who is asking for it. Have the Bishops and clergy asked for it? Certainly not. They have remonstrated against it, and I hope when the Bill reaches "another place," they will show that they are in earnest about the matter. I venture also to affirm that it is not the Conservative rank and file

who have asked the Government to bring in this Bill. I will quote the words of one of them, who represents the important city of Manchester (Mr. Callender), and who received the distinguished honour of being selected by the Prime Minister at the opening of the new Parliament to second the reply to the Address. This Gentleman, in addressing his present constituents, two or three years ago, declared that the present system was destroying, body and soul, tens of thousands of our people, and, therefore, our only plan was to destroy it. What he wanted was, that there should be fewer hours and less opportunities for intemperance; and that could be most effectually done by sweeping away the houses, and therefore the opportunities for intemperance altogether. In accordance with the terms of that speech, I hope the hon. Gentleman will go with me into the same Lobby this evening. Do the Conservative working men want this Bill? I believe the Conservative working men have as much regard for the welfare of their wives and families as any of the Liberal working men, and it is an insult to them to believe that they want it. Can it be, then, that the 20 Conservative brewers, who sit on the opposite side of the House, have made an appeal to the Government to pass the Bill? [*Laughter.*] Hon. Gentlemen laugh as if it were so; but it is not, for I find that the hon. Member for Warrington, who has sat in this House as far as the memory of anyone present goes back, only the other night made a speech against one of its provisions. By some, again, it is alleged that while the late Prime Minister sought to descend upon the constituencies in a shower of gold, the present head of the Government has launched his barque upon an ocean of beer, and has succeeded in safely landing at Downing Street. I have, however, watched what has been said on the subject by the right hon. Gentleman, and I have read his letters, and, as far as I can see, he has never by a single word, either spoken or written, committed himself or the great Conservative party to the publicans on this question. I know that once the right hon. Gentleman stated that he was on the side of the angels, but he has never declared himself to be on the side of the spirits. In that very odd and celebrated Bath letter, which had more wisdom in

it than was supposed at the time, the right hon. Gentleman talked of harassed trades and worried interests, but then, he had never said what those trades and interests were. The publicans cannot, therefore, justly contend that he meant them, and it is well to recollect that when the Bill of Mr. Bruce was under discussion two years ago, the right hon. Gentleman never came down to the House, or said a word on the subject. To-night, however, he will have to speak, for the Licensing Bill is the great measure of the Session, and he will have to tell the House what benefit he expects the people of this country will derive from its operation. I, for my own part, have no hope that I and those by whom I am supported will succeed in defeating the Bill. I have said what I think of the Bill, and how fervently I condemn it; and I know it is of no use appealing to this side of the House for any strenuous support in throwing it out. The friends of temperance are "few in number;" we are "incoherent in argument;" and we are "inconsistent in action." I look along the front Opposition bench, and I see arrayed upon it the imaginary leaders of an imaginary party; and I know well from what has taken place during the past week, that whenever a contest comes on between the public and the publicans, some of the ablest of them always vote with the publicans. I have but one hope, and it is a feeble hope. I would earnestly appeal to the Conservative Members—to the country Gentlemen, the old traditional friends of order and good government—and I would ask them whether they can bring their consciences to support this Bill for the increase of drink-shops throughout this country? Can those who came in to support the present Government encourage that which will destroy all good government in the country? Will they open wider than they now are the flood-gates of demoralization? I know that we are an Assembly of rich men, to whom it will make little difference, personally, how long or how short a time the houses are kept open. We suffer no inconvenience; but what about the women and children of the working classes, to whom it will be an unmitigated curse? Surely they should be regarded! If, then, the House should reject the present Bill, hon. Members will not only gain, by such a vote, the

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approbation of their own consciences, but the gratitude of posterity as well. For that reason, I beg to move its rejection.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Sir Wilfrid Lawson.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. GOSCHEN feared he should lay himself open to some blame in the eyes of the hon. Baronet the Member for Carlisle in asking him to temper justice with mercy. None, however, could say that the hon. Baronet had not been impartially just, for he had treated with equal severity the first measure introduced on the subject, and also the second and third measures which had been substituted for the first. He asked his hon. Friend to abstain from his design of throttling at the very moment of its birth the first poor child of the Conservative Administration—this weak offspring of a strong Government. He could see in his mind the appeal that would be made by the Government. They would say "Sorely against the grain, sorely against the declarations of our own supporters at the hustings, and sorely against our own original proposals, we have succeeded to a certain extent in restricting the hours of drinking: but we have kept as near the Act of 1872 as public decency permitted." That would be, if not a just, yet a plausible appeal on the part of the Government. On the other hand, the hon. Baronet might say, "I know you gave the hours of closing to be scrambled for by the House, but even my thanks for that concession are considerably diminished by the fact that after a certain party had been successful, the Government tried to wrest that success from them." Some of the supporters of the Government had endeavoured to induce the Home Secretary to move in the direction indicated by the hon. Baronet; but why, he might ask, at the time of the Elections did they not show the same spirit? Bad, however, as the Bill was, it was not so bad as it was when it was introduced by the Government. He would advise the hon. Baronet, then, even at the expense

of the Bill to enable them to get rid of the publican and of the idea that the drinking of a glass of beer had a political effect. The Government started in such a position when the Bill was introduced, that the country would have felt more anxious upon this matter, but for the successful effort made by the House to improve it. There was a new Government, a new Parliament, a new majority, and a new Home Secretary, with regard to whom it was worth remembering that even the Liberal Press received the appointment of the right hon. Gentleman with courtesy. ["Oh!"] The leading journal had spoken in favourable terms of the appointment, and had remarked that even those who had not been chosen to the office, would give the suffrage of Themistocles, and admit that next to themselves he ought to have been chosen. He thought the right hon. Gentleman himself had quoted the appreciative terms in which he had been dealt with by the Liberal Press. [*Laughter.*] It was all very well for hon. Members to laugh, but that was not the treatment which Liberal Members of Parliament had received from the Conservative Press. The right hon. Gentleman commanded an innumerable host against the small army of the Liberal party, and with all these advantages, and this immense power, what had the Government done on that licensing question? They had produced this poor miserable Bill, of which they themselves were obliged to say that it was scarcely important, and amended merely in detail the Act of 1872. It was because the Bill, with all its faults, did not differ so greatly from the Act of 1872 that he believed it would be an unwise course to vote against the third reading. They could not, of course, forget the many changes of opinion which had passed over the mind of the Government in the course of these proceedings. They knew the three great stages through which the Bill had passed. First, the stage of expansion, when they proposed, what no one in the House could be found afterwards to support, that every public-house in the Kingdom should practically be open half-an-hour later. Then, there came the second stage, when, frightened at what they had done, and finding they were not supported by any great interest or party outside or inside the House, they came into Committee, and there surrendered, mainly upon the question

of hours, changing from 11.30 in the large towns to 11 in all places of above 2,500 inhabitants, and to 10 o'clock below that line. During the progress in Committee Government supported generally all the Motions restricting the hours, and as soon as they had passed the Bill through Committee they changed their mind again. And then, during the consideration of the Report from day to day, with the shortest possible notice, and in many cases without giving any notice at all, they introduced important changes—if not, indeed, vital changes—into the Bill. It was in that stage, after having fixed the closing hour for all places under 2,500 inhabitants at 10 o'clock, they introduced again the principle of discretion which they had discarded, while they declared, in doing so, that they had made absolutely no change at all. After having proposed that there should be in towns and populous places a limit of population, they surrendered, at the instance of the hon. and gallant Colonel opposite (Colonel Barttelot), the limit of population, and threw the whole thing open. After an adjournment, which they most unwillingly conceded, they again found out that they had made a mistake, and consented to a population of 1,000 for both towns and populous places. These were some of the changes which had been brought about by a Government that charged Lord Aberdare with not knowing his own mind. The right hon. Gentleman had said that the late Government did not understand their business when they dealt with the licensing question. It seemed to him (Mr. Goschen) that he might, with every confidence as to the result, venture to contrast the conduct of those two Bills through the House. There was not a single hon. Gentleman opposite who was not astonished at the changes of opinion which had come across the mind of the Government during the course of these proceedings. He wished to point out that there were only the towns of between 2,500 and 10,000 inhabitants, besides the metropolis, where the Government had not proposed different hours at different stages of the Bill. He would say on behalf of many who sat on the Liberal side of the House, that they were not responsible for this farrago of opinions. They might have been responsible, if the right hon. Gentleman had confined himself to stating that the hours would be settled by the House; but he could

not deny that during the progress of the Report, he used his majority as strongly as he possibly could, again to change the hours which had been deliberately settled by the House in Committee. Now, let the Bill pass on to "another place," and they might possibly see some more changes of opinion before they had done with it, which would recommend themselves to the acceptance of the House. He could not conclude without making one emphatic observation with regard to these changes of opinion. Changes of opinion founded on evidence placed before the House of Commons were not only justifiable, but commanded approbation; but changes of opinion made without the production of any evidence, or sometimes even in spite of its production, could not command the same esteem. What evidence had the Government produced? On the second reading of this Bill, the hon. Gentleman the Under Secretary stated that the original hours of the Bill were founded upon opinions received from the magistrates, the police, the clergy, and the publicans themselves. How much of that evidence had been seen by the House? Of the evidence of the clergy, the magistrates, and the publicans they knew nothing. The House only knew that when they saw the Bill, they repudiated the hours which the hon. Member stated had been fixed on their authority. And as regarded the police, and those celebrated Mayors who were thrown over by the right hon. Gentleman because they had not reported in favour of the Bill, when the House saw the documents, they found that so far from justifying the hours which had been fixed by the Government, they went in the teeth of those hours and recorded the success of the Act of 1872. The evidence of the police they had never seen, and never would see, as the right hon. Gentleman the Prime Minister rescued the Ministers from the difficulty in which they found themselves; but they had reason to believe that that evidence was in favour of shorter and not longer hours. He thought, therefore, he was not without justification on that the third reading, in protesting against this manner of dealing with the evidence on questions of the highest importance. Not only was the evidence not given to them, but quotations were made from it in support of the other side; so that if it had not been for the

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tection of the rights of the publican. He therefore regretted that the right hon. Gentleman the Member for the City of London had addressed them in a very different spirit that evening. He hoped the House would look at the Bill as a whole. They had endeavoured to consider by what means they could regulate the liquor traffic, so as to prevent drunkenness without injuring the vested or any other rights which the publican might have. He had found that the publicans who had come to consult him on this matter were men who had desired to conduct their houses orderly; and he had found amongst them rather a desire to limit the hours than to extend them. He hoped, therefore, that the Motion of the hon. Baronet the Member for Carlisle would not be accepted. The Bill would go to "another place" for further consideration, when what was bad in the drafting of it would probably be amended; but as regarded the principle of the Bill he thought it was a great improvement on the Act of 1872.

LORD GEORGE CAVENDISH said, he was not surprised that the hon. Baronet the Member for Carlisle, with his opinions, should have moved an Amendment, but he hoped he would not press it to a Division. He thought that in the main the expression of opinion on both sides of the House would pretty much coincide with words attributed to a dignitary of the Dublin Corporation—that bad as the Bill was when it was originally brought in, it was equally worse now. The Public-house Bill would perhaps jostle up against the Bishops' Bill on its way down from the Lords; and if they had the power of speech the Bishops' Bill might take counsel with the Publicans' Bill. If it were true that there was an alliance—as had been said at the last Election—between the Church and the Beer-barrel, then the Bishops' Bill, rather nervous as to its reception in the Lower House, might ask the Licensing Bill, in what temper the House was when it left. The Licensing Bill might say, that it had been conceived by a grateful Government under the exhilarating influence of a successful Election; but that its parturition had been protracted and painful, and it had at last come forth shorn of its due proportions; that it had not expected much favour from the Opposition side of the House, but that on the other side, opinions had been by no

means unanimous, and that the Home Secretary even had been on several occasions at sixes and sevens with himself. Never having held office himself, he felt no antagonism to those now in power, nor was he disposed to blame them for their mode of dealing with a question which had many inherent difficulties. He had long recognized the ability of the right hon. Gentleman at the Home Office, who had immediate charge of the measure; and he also fully appreciated the tact with which the Prime Minister had imported good humour into the discussions on the Bill. It was all very well for hon. Members to say that Lord Aberdare, or the right hon. Gentleman now at the Home Office, had equally made a botch of the Licensing Bill; but his own belief was, that anybody who held what he would call that most odious office, would be just as likely to make a botch of a measure of that character. Indeed, if an angel from heaven were to come down and bring in a Licensing Bill, he would find it too much for him, and the result would be just the same. The moment they began to legislate upon questions affecting the social habits of the great masses of the people, with which they were but imperfectly acquainted, they found in the way almost insuperable difficulties. Again, he would appeal to the hon. Baronet not to press his Amendment.

MR. ASSHETON CROSS said, that the Bill had certainly not been introduced for any purpose of satisfying the wishes of the hon. Baronet the Member for Carlisle, nor did he think the hon. Gentleman could expect any greater concessions, after the Bill which he so persistently brought before the House himself. Neither was the Bill brought in on the part of her Majesty's Government to satisfy the expectations of the right hon. Gentleman the Member for the City of London. They had not—though once or twice in the debate they had heard to the contrary—received much help from the right hon. Gentleman and his Friends towards arriving at a satisfactory conclusion. He admitted, however, that they had no right to expect any. The right hon. Gentleman had a perfect right to lie by for a time, and when the labours of the Committee were satisfactorily concluded, come down to the House on the third reading of the Bill and find all possible fault with the House, the Bill, and himself (Mr. Cross). He

Mr. Staveley Hill

hoped his shoulders were strong enough to bear any blame which the right hon. Gentleman might throw on them, and he hoped before he sat down to be able to show the hon. Baronet the Member for Carlisle, that it was not easy to arrive at a sound and satisfactory conclusion relative to one part of the Bill before it was brought to its present state. The right hon. Gentleman had asked why the Government had not left matters alone, and what fault they had found with the Bill of Lord Aberdare. He (Mr. Cross) believed no one in that House had spoken more strongly than himself in defence of the view with which the measure of Lord Aberdare was proposed; but complaints were urged that he made great mistakes in that measure. Those mistakes were before the country, and were the grievances complained of. It was complained that under the Bill there was no security for property invested in the trade, and no security for the character of a man engaged in carrying it on. Those were grievances which he believed they had met by the Bill. In the Bill they made tolerably secure, both the property of the owner and also the character of the occupier, if he conducted his business respectably. They had come to conclusions which, embodied in the Bill, would be a great protection to capital invested in the trade, and to persons interested in it, and which at the same time would tend to make the trade itself as respectable as it could be. In the former Bill there were several harsh provisions. There was a provision of a minimum penalty; there was a provision for the forfeiture of a licence under certain circumstances; there was a provision for taking away the discretion of the magistrates with regard to endorsements; and after three endorsements a licence was to be forfeited. Well, they had by the Bill protected not only the property which was invested in the trade, but the character of the man who was engaged as the occupier of a house in carrying on the trade. They had further done away with exceptional legislation with respect to the trade, and endeavoured to put it on the same footing as all other trades, without particular legislation attaching to it, in order that it should be carried on and dealt with with the same fairness and impartiality as other trades. They had swept away all the adulteration clauses, from which

such odium attached to persons engaged in the trade, and in doing so they were enabled also to sweep away the clause which empowered the policeman and the exciseman to enter any part of a public-house and search it. But they also took care that ample power should be reserved to the police to enter such a house and interfere in the interests of public order. He believed that they had done great things for those who were engaged in this trade. They had given their definition of a *bond fide* traveller. They had placed all classes of the trade on the same footing. They had allowed that privilege which he believed publicans valued very much—namely, that of entertaining their private friends, and they had done away with the exceptional licences which were so invidious in the metropolis, and which he believed caused much dissatisfaction in the trade. They had also taken away from the magistrates throughout the country the power of fixing at what hour these houses should be opened and at what hours they should be closed. They were gradually getting into a very undesirable position in reference to this and other matters; and a belief was spreading over various parts of the country that the magistrates were exercising those powers, not for the purpose of adapting these houses to the wants of the particular localities in which they were situated, but were acting perfectly *bond fide*, yet still with a bias on their minds, which led them to the conclusion that the best thing they could do was practically to shorten the hours to the utmost extent allowed by law. That was, in point of fact, what the hon. Baronet the Member for Carlisle desired to do, and it was a course fraught with mischief. On the other hand, they had taken security for order, and had done a great deal towards promoting early closing of licensed houses. They had closed the night houses in London, which were a source of untold mischief in the metropolis. They had placed the occasional licences under the same supervision of the police that every other licensed house was before; and they had provided that at all fairs and races every person who obtained a licence to sell intoxicating liquors should be placed under the control of the local magistrates, like every one else who sold intoxicating liquors. With the one exception of a question of a half-hour, the provisions of the ori-

ginal Bill had not been disturbed. He believed that in its present state the Bill would prove of inestimable benefit to both the trade and the public. That which kept them so long in discussing, but upon which, as he said in introducing the Bill, no two persons could think alike, was the fixing of the precise hours at which public-houses should be closed. On that matter he should like to say a word or two. When it became evident that the wish of the country was against closing, in the large towns, at 11.30, then there immediately disappeared any reason why public-houses and beer-houses should not be placed distinctly and practically on the same footing. Then came the question what hour should be fixed for the towns and what hour for the country. They had now fixed 12.30 for the metropolis, 11 for towns, and 10 for the country. Next came that question which everyone had admitted to be of the greatest practical difficulty—namely, how they were to distinguish in an Act of Parliament by a suitable definition between town and country. It was easy to pronounce at once in the case of towns of large population. In the case of towns of 10,000 or 20,000 inhabitants, for example, they could at once be distinguished as towns; but when they came to towns of small magnitude in which it was obvious that public-houses should be closed at an hour at which no one would think of closing houses in the larger towns; in the case of those small places it became a matter of the greatest difficulty to distinguish between town and country. He confessed he thought at first he could have made the distinction by means of a definition contained in some other Act. That he had, perhaps, too long clung to the definition of an urban sanitary authority, and to the old well known "parish" or "township." This difficulty presented itself, however, that they always found some perverse individual who had built his house just over the bridge, or otherwise designedly placed his house outside the boundary. It became necessary, therefore, to delegate to some other local authority, not the question at what time public-houses should be closed in the neighbourhood, but simply what was the boundary of the town in every direction. They had done, in fact, precisely what was done in determining the powers of the Boundary

Mr. Assheton Cross

Commissioners under the Reform Acts. Having thus settled that question, the next matter was to define the difference between town and country. He had endeavoured to find, but without success, how that could be done, but he found that it could not be done without the assistance of the local authorities being called in, as it had been for the purpose of defining the boundaries of towns, just as was shown by the Census Commissioners in 1861 and 1871, and he had, at last, fallen back upon the term "populous place," well known to the Scotch Law in Acts relating to police, and introduced this very Session into a Scotch Licensing Bill by the hon. Member for Fife. By adopting, therefore, the phrase and the user from the people of Scotland, and by allowing the licensing committee to define populous places as well as towns, they had, he believed, found a practical way out of a difficulty which stood in their way, because they had all along been agreed that in towns the hour of closing should be 11, and in the country 10. The question was a difficult one, and had taken a long time to solve, but it had at last, he hoped, been solved to the satisfaction of the House. The Bill, if it became law as it now stood, would, he thought, be satisfactory not only to the House, but to the country at large, and he hoped it might be a long time before Parliament would be again called upon to consider a Licensing Bill.

Question put.

The House divided:—Ayes 328; Noes 39; Majority 289.

Main Question put, and agreed to.

Bill read the third time, and passed.

FRIENDLY SOCIETIES BILL.

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith.*)

[BILL 140.] SECOND READING.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER, in moving that the Bill be now read the second time, said, that as the hon. Member for Chelsea (Sir Charles W. Dilke) had given Notice of an Amendment that it was inexpedient to proceed with the measure during the present Session, he would not now enter upon the question of the merits of the Bill. He was, however, anxious to say one or two words

as to the course which he proposed to take, and to explain two or three important Amendments which he intended to propose. He stated when he introduced the Bill that, considering the complexity of the subject, and the interest taken in it in the country, it was desirable that the details of the measure should be canvassed outside the House; that, if the necessary Amendments could be agreed upon, the House should go into Committee *pro forma*; and that the Bill should then be re-printed. Since that time he had received many communications, and had seen a good many members of these societies. He had also conferred with several hon. Members of the House, and had satisfied himself that there were one or two points on which the Bill could be improved without changing the principles on which it was founded. One point which naturally excited great interest, and on which it would be desirable to make a change, was in the matter of infant insurance. Without entering into the arguments which showed that some provisions were necessary to check the evils that were going on, he had come to the conclusion that an absolute prohibition of the insurance of lives of children below three years, as contained in the Bill, was not at present essentially necessary. The danger was not that parents should be able to insure the lives of infants for a sum that would cover the necessary funeral expenses, but that parents and others should have the means by these societies of insuring infant lives very far in excess of the expense of funerals. What he now proposed was, that parents should be allowed to insure the lives of children below three years, as heretofore, but that the amount should be reduced so as not to be more than was necessary to cover the funeral expenses — namely, from 30s. to £2, as the House might hereafter decide. It would also be necessary to put a stop to the present system of insuring the lives of children in more than one society, and to restrict the permission to the parents themselves. The insurance of infant life would then be put upon a legitimate footing. There were two other points connected with this Bill which required explanation. It had been objected that the measure established a Government machinery much too large, and an idea existed

that the Government were going to create throughout the country a very large and important staff for working the Bill. That, however, was a misunderstanding, and it had never been the intention of the Government that a number of new officers should be created. What was proposed was to strengthen the central authority, so that it should include Scotland and Ireland as well as England; and to establish district registration, not by new machinery, but by employing certain officers already known and existing throughout the country. District Registrars were necessary for two purposes—to facilitate the registration of small societies, and to give to the inhabitants of distant districts ready access to information respecting the societies carrying on their operations in the district. The Government, when the Bill was framed, were uncertain what would be the best machinery to employ, and they at first proposed that the Chief Registrar should have the power of framing a system of rules. An impression accordingly prevailed that the Government proposed to establish a much larger and more cumbrous machinery than they had ever contemplated. It was now intended, instead of district Registrars, to employ the clerks of the peace for the different counties, who were to offer facilities for the registration of these societies, and from whom information might be obtained in regard to them. Another change would be made. A clause in the Bill gave the Chief Registrar power to make regulations for carrying out its provisions. That was in accordance with the Trades Unions Act, and a similar provision existed in the Act of 1870, proposed by the right hon. Gentleman the late Chancellor of the Exchequer (Mr. Lowe). It was now proposed, in deference to certain apprehensions which had been entertained, not to strike out the clause, but somewhat to limit it, and when the Bill was re-printed some of the regulations which it was contemplated the Registrar should make would be introduced into the Bill. When the Bill was reprinted, the House would see that in place of the district Registrars, whose appointment should be revised by the Treasury, the machinery of the clerks of the peace would be adopted. In place, moreover, of the general power given to the Chief

Registrar to make regulations, the House would see the regulations embodied in the Bill itself. He would now move the second reading of the Bill thus modified. The hon. Baronet (Sir Charles W. Dilke) had given Notice of his intention to move an Amendment, declaring that it was too late in the Session to proceed with so important and complicated a measure. He was himself so well aware of the difficulties and complications of the subject, that he had been from the first far from desirous to press it forward unduly and against the feeling of the House and the country, and if a general opinion were expressed that the Bill should stand over until next Session, he should be by no means disposed to force it on. On the other hand, the general effect of the communications he had received from a large number of important societies was that it was desirable, if possible, to pass the Bill this Session, and that the general lines upon which the Bill was framed had obtained the approval of the persons and interests concerned. He wished it to be distinctly understood that what he desired was not so much speedy as satisfactory legislation. Certainly, he was not prepared to force the measure in opposition to the sense of the House and the country. There was one other remark he wished to make. The Bill dealt not only with friendly societies, but with several other classes of societies, and the reason was two-fold. It was very desirable that the country should see what functions were assigned to the Registrar of Friendly Societies; therefore the Bill was made to include all societies with which he was at present connected. In the second place, he believed it would be found that the legislation with regard to these different classes of societies was very nearly, but not quite, similar. There was some little difference, which it might be as well to get rid of; but if the House thought the Bill should be lightened by confining it to friendly societies, it would be perfectly competent to do so. His object, in including those other societies in the Bill, had been to show how many they had to deal with, how important the Registrar of Friendly Societies was, how analogous the treatment of the Legislature generally had been, and how convenient it would be to deal with them all in a single measure. He

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adhered to the general principle on which the Bill was founded—that there should continue to be a registration of friendly societies, and that that registration should be of a local and a district character. He would conclude by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chancellor of the Exchequer.*)

SIR CHARLES W. DILKE, who had on the Paper an Amendment to the effect—

"That it is impossible, looking to the state of Public Business, that the House should give, this year, that amount of time to the complicated question of the relations between the great Friendly Societies and the State which the importance of the subject deserves,"

said, he thought the changes announced by the right hon. Gentleman would so very largely reduce the proportions of the Bill, and wholly alter the character of the subject with which they had now to deal, that probably most hon. Gentlemen who had read the Bill, would be of opinion that it was desirable to see more of it. He understood the right hon. Gentleman had expressed his intention to omit from the Bill the various societies with which it dealt other than friendly societies proper. If the House should be of that opinion, although the clauses which dealt with the other classes of societies were very important, considering the interests with which they dealt, he should not move the Resolution of which he had given Notice. At present the Bill dealt with cattle insurance societies, charitable societies, burial funds, scientific and literary societies, trades unions, and loan societies, and it excited very great interest in almost every part of the community. It affected the interests of all union and non-union workmen, nearly all shopkeepers' assistants, and a large number of shopkeepers and their dependents. Besides, the subject was one on which they had singularly little general information, while the Report of the Commission, which sat three or four years and examined 300 witnesses, had only been in the hands of hon. Members for three weeks, and the four great volumes of Reports of the Assistant Commissioners had been published only last week. The members of the societies

as well as the officers were affected by the Bill, and in dealing with a subject affecting 4,000,000 of people and enormous funds without the fullest information, they would be risking considerable damage to the provident and self-reliant institutions of the country as they at present existed. The Bill, it was objected, either went too far, or it did not go far enough. It did not touch the great question raised two or three years ago by the right hon. Gentleman the Member for London University (Mr. Lowe) respecting registration. If it were true that insolvency was common amongst these societies, he thought they would be bound to go further than it was proposed to do, and to insist that no societies should be registered unless they were solvent. Would not Government registration be taken as a proof of solvency? If they did not go that length, he thought they should hesitate in dealing with the subject by means of local registers, which might disgust the officials of the societies and break them up altogether. The right hon. Gentleman had made a concession with regard to local registers which considerably altered the nature of the Bill. Had he persevered in his original intention, and if the House had thought it was not too late to proceed with the Bill, he should have voted against the second reading. In introducing the Bill the right hon. Gentleman used words which, though not intended to bear the signification, did suggest that there were to be a considerable body of assistant Registrars, which he said would undoubtedly lead to considerable expense; and, therefore, the House was justified in believing that he intended to create separate local registration officers in every county throughout England, Ireland, and Scotland. If that had been his intention, he ventured to say the effect would have been most disastrous on the prudence and self-reliance which it was the duty of that House to inculcate in the people. The right hon. Gentleman had also made another concession, for he had undoubtedly removed a considerable amount of popular anxiety by the change he proposed to introduce into the Bill with respect to burial societies. The proposal with regard to the compulsory abolition of childrens' insurances gave rise to much ill-feeling, especially in the North of England, where such insurances were

very general, and it would have been felt to be a very great hardship upon many working men and women who had been in the habit of providing out of their savings for such a contingency. He believed that the provisions of the 65th clause, which would remain in the Bill, would be amply sufficient, if the Bill should be passed that Session, to secure the result at which the right hon. Gentleman aimed in preventing cases of child-murder, if there were any. The Report of the Commission was very far from confirming the reports which had been made in the newspapers, and sometimes in the House, in regard to those child-murders; and it ought not, he thought to go forth that it was the opinion of the House that it had been established before the Commission that those cases of child-murder had occurred. He still doubted whether the House was in a position to deal satisfactorily with the whole question at present, but after the statement of the right hon. Gentleman and the conciliatory spirit he had shown with respect to suggested Amendments, he felt that he could not press the Motion of which he had given Notice.

MR. LOWE said, he quite concurred in much which had fallen from the hon. Gentleman who had just spoken. The question under discussion was one of the utmost importance, affecting as it did, directly and indirectly, 8,000,000 of people and a sum of money still larger, amounting to £11,000,000. On so large a scale, indeed, were the affairs of those societies conducted that a single society, the Manchester Unity—a well-managed society—found, on investigating its accounts, that it was no less than £1,000,000 behindhand. If, therefore, anything could be done to place those societies on a better footing, it was the duty of that House to do it, and the Government which effected the object would deserve the thanks of the community. But when he had said that much, he had said everything that could be set forth on the right side of the question. It was now four years since the Registrar of Friendly Societies died, and the appointment of his successor lay with him (Mr. Lowe), and he came to the conclusion that as things then stood, the registry, which was meant as a benefit to those societies, had become a very serious injury, for the reason that it inspired the public with a confidence in the society which

there was nothing in the mere fact of a registry to justify. In that view, the late Government, at his (Mr. Lowe's) instigation, introduced a Bill which, if it had passed, would have placed them in the hands of the Registrar of Joint Stock Companies, and have in that way broken all connection between them and the Government, and have thus taken from them that sense of carefulness and security with which that connection had inspired them. It had, however, in consequence of objections received from the societies themselves, been deemed better to refer the matter to a Commission, which had taken great pains to consider the subject, and of whose proceedings the present Bill was the result. There was, he might add, a great distinction between the societies now in existence and those which might hereafter be formed, and the present Bill might deal exceedingly well with one part of the subject, though not with another. The treatment of the two branches must, indeed, necessarily be different. What, for example, was the state of things which the Commission disclosed? He regretted to say, excellent as were the objects of the societies, their accounts were, according to the report of the Commission, of the most unsatisfactory character. It was grievous to think that so much good intention had led persons into a condition so disastrous. In the first place, the principle of registration itself had broken down, and it was stated that the country swarmed with unregistered societies which had no legal power of suing or acting in any way, and which were absolutely unqualified to discharge in any way the duties which they took upon themselves. That, alone, represented a most serious evil. Then, it was said that the accounts of the societies were exceedingly ill-kept, and, in many cases, unintelligible; that the law which required valuation was not complied with; and that in those cases in which there was valuation, it was made by persons not properly versed in the business, or who did not properly discharge their duties. There was also, he believed, in most cases, no audit; and, worst of all, those societies which were founded for provident purposes were, it appeared, founded on principles so utterly inadequate that they were perfectly unable sometimes to secure to the poor the

benefits which they were meant to confer. That was the picture he gathered from the Report of the Commission; and anything more melancholy, more deplorable, or calling more loudly on Parliament for a remedy, he could hardly conceive. Well, then, that being so, what were the remedies which the present Bill proposed to provide? Why, he must say, that they were utterly inadequate, and really amounted to nothing at all, or perhaps to worse than nothing, for he could not help thinking that such provisions as it contained, instead of tending to amend, would rather tend to make worse the existing state of things. It was, for instance, most important that there should be a correct valuation; but the Bill, while it would render necessary the expense of having a body of valuers, did not provide that the valuation should be made by persons in whom the public would have confidence. The same remark applied to the furnishing of accounts, and while there were to be auditors, the Government did not venture to say to the societies that they should employ those auditors. And that was all that was done by the Bill to remedy the evils to which he referred, for as regarded registration, all existing societies had already been registered, and did not require re-registering. The whole matter, therefore, came to this—that those societies were to be left in the perilous, and, in many cases, in a more deplorable state than that in which they found them, and that nothing was to be done to protect the weaker and less intelligent societies against persons of more intelligence on whom they relied. Indeed, their case was likely to be made much worse, because one of the peculiarities of Government interference was that Government could not meddle in private affairs without giving rise to the suspicion of being ready to do a great deal more than it would be justified in doing. He thought, therefore, the Government should never attempt to touch these matters, unless it was prepared to exercise sufficient power to justify the expectations formed of it. There were many things which might be suggested to be done; for instance, the audits, forms of account, and tables of which he had spoken might be made compulsory instead of optional. He could not say that he was able to censure the right hon. Baronet the Chancellor of the

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Exchequer for not attempting to do that; but this he did say, that if the right hon. Baronet was not prepared to go further than merely offering optional auditors, forms of accounts, and tables, it was a great pity that he should have brought forward any Bill upon the subject, because he could do nothing but mislead the public into thinking that some change was really taking place, and further inducing these societies to put off the only safe thing, a thorough ransacking of their affairs. He did not blame the Government for not doing more; what he blamed them for was, that they had done so much, and thus raised expectations which it was impossible for them to satisfy. They might have been advised to take the whole business into their hands, as they had taken that of the savings banks, and to enter into competition with the friendly societies; but the Commissioners had reported against that course, and he could not say that the Government were wrong in declining to adopt it, considering the difficulties with which they would continually have to contend. But there was another reason against that course of proceeding. People now joined these friendly societies without considering that they had another friendly society which was formed for them by the Government—namely, that of the Poor Law. But if the Government was to carry on two systems at the same time, one providing for old age by means of small payments from those who were to be benefited, the other by gratuitous assistance, who could doubt that the same feelings which had attached themselves to the Poor Law system would also come to be attached to Government friendly societies, and that the result would be either that it would undermine the whole system of friendly societies, or that the Government sick fund would become discredited, and would be regarded as a sort of Poor Law relief? What he most admired in these friendly societies was that they were really more ennobling and honourable than they seemed; for to find the people independent enough to pinch and save in their best days in order that they might not have to receive benefit from the Poor Law when old was a noble trait that ought never to be lost sight of. He came to the conclusion, therefore, that neither the plan proposed in the Bill nor a system

of Government sick relief was likely to succeed or ought to be attempted. The result was, then, that they should leave these institutions to go on as they were doing, and to manage things in their own way. As had been described the other day in an article in *The Times*, they would go on as long as they could, and when they were called on to pay, they would pay to the best of their ability, and the only thing remaining for any Government was to give help whenever any of them set about remedying their own defects in the spirit shown by the Manchester Unity. For that reason, therefore, he was convinced the Bill could only add to the mischief already existing, and therefore he most earnestly hoped that the Government, unless they could really see their way to satisfy all the hopes they had excited, would not attempt to press it. He passed now to the new societies, and there they were to have a new system of registration; in other words, they were to have some 50 persons who were to perform the duty of Registrars all through the country. He did not know what the expense would be, but if it would do any good he should not grudge it. What would be the effect of registration? The effect of the registration, as defined by the Bill, was that "it should not be taken to imply that the rules of the society were legal, or that the society was established on a sound basis." People inferred from registration exactly what the Bill said it should not imply, and the inference therefore was, that instead of increasing and spreading the present system, the registration should be taken out of the hands of the present Department and placed under some other body, which should be as far as possible removed from the Government, and thus remove the notion that the Government was responsible for the legality or soundness of an undertaking which was registered. People inferred also that the rules when deposited with the Registrar must be legal, and it was most desirable that that link should be broken and the matter placed in other hands. He would suggest that, as in the case of joint-stock companies, an Act should be passed saying what might be the rules of the societies, and in that way there would be a much greater chance of securing uniformity of rules. He would not leave the rules merely to the approbation of the Registrar, but

somebody should be appointed who should decline to accept them, unless they were in accordance with the Act. In the same way, wherever a thing was to be provided by the rules, he thought that it should be provided by statute. It resulted very clearly from his observations that the matter was not at this moment ripe for legislation. They could not hope as things stood to make satisfactory progress, because after all it was not so much the future societies as the present that were of most importance in the consideration of this matter, and for them the Bill did little or nothing. The Government must do at least as much as would justify the confidence they were creating, and, failing that, they had better do nothing at all. He hoped the right hon. Gentleman would not proceed with the Bill this Session. Indeed, he did not doubt that he would be content to let it rest for another year, unless, indeed, he was prepared to make some suggestion which would enable the House at once to put an end to, or to alleviate to a very great degree, the growing evils which now injured these most valuable friendly institutions.

MR. SALT hoped the right hon. Gentleman the Chancellor of the Exchequer would not be in too great a hurry to press the Bill. Having had some experience in establishing these societies, he had come to the conclusion that three things were necessary to found and sustain a successful society. The first requisite was registration, without which a society had no legal status; the second was that its rules and tables should be examined and certified by a competent actuary; and the third was an efficient and a regular system of audit. In regard to registration, the Government gave some help; but in regard to the other two requisites, it afforded no assistance whatever. The solution of the difficulty lay in determining how far the certificate of the actuary and a regular audit might be made as necessary to the existence of a society, as registration was under the existing law, and it was a most difficult question to solve. Parliament had been placed in possession of a valuable Report on the subject, for which they were much indebted to those who had prepared it; but that Paper had not been yet sufficiently read and circulated, especially as upon it fresh legislation must be founded. Therefore, he asked that more time might be

given to weigh the different clauses of which such a measure ought to be composed. What was meant by the words "other infirmity?" There were questions also concerning annuities, endowments, rate of interest, and other matters of the same kind, which required the fullest consideration and discussion. He had no desire to impede legislation, and his reason for asking for delay was, that such legislation might be rendered more perfect. A very much better feeling was growing up among working men with reference to these societies, which were now managed by intelligent artisans, who thoroughly understood the necessary calculations.

MR. ROEBUCK believed that many of these societies were founded on rules which were very unsatisfactory, and the consequence was that few of them were solvent; and, therefore, if Parliament hastily interfered with ill-considered legislation, it would do far more mischief than it could possibly do good. The circumstances of the rules being registered under an Act of Parliament led people to suppose they were correct; but, for his own part, he believed that even the most flourishing and the best conducted of these institutions were either insolvent or in a most dangerous condition, which was likely to lead to insolvency. Under these circumstances, he entreated the right hon. Gentleman to give the House time to consider this important subject, which, he believed, hardly 10 Gentlemen in that House understood. His opinion was, that the House could not really and properly legislate on the subject without full inquiry into the whole matter, and he therefore hoped the right hon. Gentleman would submit the matter to a carefully chosen Select Committee, which might frame rules for the guidance of these societies. He further hoped the right hon. Gentleman would not prosecute the subject this Session, but that he would be prepared to proceed with it next year.

MR. HENLEY said, he was very glad to learn that his right hon. Friend did not propose to press that part of the Bill which prevented the insurance of children's lives, and that he intended to regulate the amount of insurance. He wished to make a few remarks, however, on the Bill generally. The matter was of such vast importance that it was difficult not to be somewhat uneasy lest, while re-

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gulating these societies, they should make the Government responsible. At present all responsibility on the part of the Government was denied; but yet the way in which reports had to be referred to the Registrar, and the rules to be registered, produced such an impression upon the people that they really believed the Government was responsible. That was the substance of what the Commissioners said on the subject, and the question arose, whether the Bill would do anything to lessen that feeling, or whether it would do the reverse? It appeared to do the reverse; because it created an army of Registrars, and intrusted them with great powers. Among other things, they were to draw up tables of insurance. That was a most critical and important duty, because it was a matter in which a very slight percentage might make a great difference. Tables which might be sound in a district where the death-rate ranged from 16 to 20, would be unsound where it ranged from 25 to 35. How far would the issuing of these tables induce the people to believe that the Government was responsible? This was no easy matter to determine. Again, an accusation was made which was absolutely horrible in itself, and what foundation there was for it ought to be definitively ascertained by a Commission, armed with the fullest powers; it was that children were systematically insured with the object of getting rid of them by neglect or by bad treatment, and so obtaining the insurance money. It was his belief that the contrary would be established; because, 20 years ago, he was a Member of a Committee which sat on the subject of Friendly Societies, and which informally entered on this question on the suggestion of the then Attorney General, who gave the names of witnesses whose evidence it was supposed would establish the allegations that were made. The witnesses were examined, and, so far from confirming, negatived the charges. Three or four years afterwards Lord Palmerston, who was then Home Secretary, stated in that House that children were commonly made away with; but the assertion was denied, and, if any evidence could have been obtained, Lord Palmerston was not the man to hold his hand. No doubt, children were neglected, and had anodynes given to them with injudicious kindness;

but he was sorry the Commissioners adopted the sensational statement of a coroner as to children being wilfully overlain, because mothers and nurses, with no evil intention, took children into bed in order to allay the irritation of teething by warmth, and it was difficult to avoid overlaying them. But, if the practice did not prevail to the extent supposed, the women of England ought to be freed from this cruel aspersion. The Registration Returns showed a steady diminution in the death-rate of infants under the age of three years, and it would be wise to obtain special Returns from the parts of the country where infant mortality was supposed to be the largest. When he came down to the House he was unaware of the changes which were to be made in the Bill, and the impression upon his mind was that the Government were proceeding upon the principle of "hanging first and trying afterwards." The Government came to the decision not that there should be inquiry, but that people should be prevented from doing that which they desired to do. He was glad now to find that that principle was not to be proceeded with, and he thought that it would have been wiser if the whole question had been left to stand over till another year.

MR. W. E. FORSTER said, that with regard to insurances of infant life, he thought the Government had proposed, not to take away from the working man the means of providing for the possible expense of burying his child, which would be most unjust, and not the less unjust because it conveyed a charge against a class, which it would be almost impossible to substantiate; but—and he thought wisely—to remove the temptation to bad conduct by reducing the sum to be obtained in such cases; for there was no doubt that some persons, not parents, who were entrusted with infant life required most carefully looking after. The general tone of the discussion that evening seemed to prove that it would be almost impossible that the Bill should become law that year. The period of the Session was late; the question was a most difficult and detailed one; the Bill had not been long before the public; and nothing could be more disadvantageous than to give to the large body of persons connected with those societies, the impression that there had been hurried

legislation. On the other hand the care taken in preparing and introducing that Bill, and allowing it to be considered during the Recess would render it much easier to deal with the subject next year, and of course the Government would not then be pledged to the details of the present measure. Although, therefore, they might not be able to legislate upon it this Session, he hoped the Government would not give up the matter, for he took rather a more hopeful view than his right hon. Friend the Member for the University of London. He (Mr. Forster) saw the dangers which his right hon. Friend had so clearly described; but they must consider the facts with which they had to deal. There existed a very great and most laudable desire on the part of the working people to do without the Poor Law; they competed with the Poor Law, and disliked coming upon the rates more than they used to do. They were anxious to save, especially upon a safe principle. If statistics could be obtained on that point, he believed it would be found that in regard to providence, the working class could hold their own with any other class excepting men of business. They could hold their own with the professional class, and, perhaps, even with the landed class, in respect to the amount they saved, especially having regard to the difficulties and temptations which beset them. For want of knowledge and information, however, they conducted their saving in many cases upon unwise and unsafe principles. The House, therefore, ought to be certain that it could do nothing to help them, before it determined to leave them in their present condition. Many of those Societies would acknowledge that they were in an unsafe position. Many years ago, before he was a Member of that House, he took a great interest on that subject in his neighbourhood, and then the Odd Fellow Societies were in a much worse state than they were now. Many men had put the savings of a life in Societies which were in this position—that without young men constantly joining they must fail. The Odd Fellows, themselves, however, had the real facts brought before them, and they were not afraid to say—"If we go on upon our present principles we shall be insolvent, and therefore we must try to get upon a sounder footing." Other associations ought to be able by means of

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a levy to do the same, and no doubt, they would be able to do so when called upon. When the Societies faced their difficulties with such courage and prudence the House need not despair of the future. Then came the question—could they do good by further legislation? They must take care to avoid misleading the Members of those Societies, and he was not sure that the details of this Bill sufficiently guarded against that evil. On the card of membership there might be a printed statement showing unmistakably what was guaranteed and what was not. Then he thought the Government was right in giving actuarial information; and the furnishing of sound tables, which could be produced by the best knowledge in the country for almost any condition in life, was a step which the Government might take with safety. That would be a great boon to the working class, and it would have the effect of gradually weeding out the worst Societies. All that, of course, would have to be done with the greatest possible caution, so as not to give the members the notion that the Government had guaranteed what it really had not guaranteed. Those difficulties might be better met if the matter stood over for the year, and the Government would bring in a measure early next Session. Although they had had a Commission, he was not at all clear that it would not be desirable to send the Bill which might be introduced next year to a Select Committee not with the view of collecting further evidence, but to get the assistance of those hon. Members who knew most about the subject, in discussing the details of every clause with a degree of care which was unattainable in that House. A Select Committee could not, of course, sit during the present Session, but if his right hon. Friend withdrew the Bill now, with the view of re-introducing it next Session, he hoped he would consider very carefully which classes of society he would include in its operation. His own opinion was strongly in favour of excluding trades unions, for he saw no advantage in mixing them up with friendly societies.

MR. W. HOLMS said, he must congratulate the right hon. Baronet on the able manner in which he proposed to deal with a very large and very complicated question, and for endeavouring to consolidate the laws affecting friendly so-

cieties by repealing eight of the number. He believed that those societies were desirous of such legislation as would clearly define their position, and were willing to assent to any regulations and restrictions which Parliament might impose upon them with the view of affording protection to the weak and helpless, and in order to satisfy the public that their business was conducted upon sound principles. At the same time, they viewed with considerable apprehension certain provisions contained in the Bill. First of all, they viewed with apprehension the proposal of having a Chief Registrar with almost unlimited power. They were indebted to the right hon. Gentleman for explaining that he proposed to limit and define the power of the Chief Registrar, and he would suggest that they should have three Registrars—one for England, one for Scotland, and one for Ireland—and that the certificate of either of the three should be valid in the United Kingdom. Another objection which friendly societies had to the Bill was the multiplication of officials. Some of those societies were splendid examples of the forethought and self-denial of the better members of the working classes, who had organized them without the aid of Government; and with that self-reliance and love of independence which characterized the people of this country, they were naturally jealous of any undue interference on the part of Government, and looked upon the appointment of a large number of officials as likely to lead to harassing and needless interference, which would prevent the expansion of existing societies and the establishment of new ones. He did not think it wise for any Government to do for the people what they could do better for themselves. The limit of interference should be the protection of the helpless, and therefore he trusted that the duty of deputy Registrars would be simply confined to giving such information as might be necessary in connection with those societies. He now came to the third provision in the Bill, which had excited more interest than any other part—namely, the 65th clause—by which it was proposed to exclude from the benefits of insurance, infants under three years of age. In introducing this Bill, the right hon. Gentleman said—

"The insurance of infants, it was believed,

led to great carelessness, and it was shown that where these burial societies existed, the mortality of infant life was lamentably in excess of what it was elsewhere. They proposed, therefore, not to permit the insurance of infants below three years of age."

This was a most alarming statement, and he agreed with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) that if there was the slightest foundation for that statement, the most searching investigation should take place. He had carefully examined the Report of the Royal Commissioners, and was glad to say that the evidence contained in that Report did not, in his opinion, warrant the conclusion arrived at by the right hon. Baronet. Doubtless, cases occurred where cruel or careless mothers might shorten infant life, just as adult life might be shortened by culpable neglect; but he did not believe that friendly societies were the cause of the excessive mortality referred to. The Royal Commissioners showed that for every 100 children in this country that died under one year of age, 38 died from one to two years of age; whereas, in eight of the largest towns in England, for every 100 that died under one year of age, 50 died from one to two years of age. The reason assigned in the Report was as follows—

"The great increase in the infant mortality of Liverpool takes place precisely within the year when infants can just come into full benefit in the general burial societies. And we find that of the other towns referred to, all but one have large agencies of the same societies."

Now, he would call attention to this fact—that most, if not all, these societies gave half-benefit for children who died after the age of six months—that was to say, the parents insured a child for £5, and if it lived to the age of six months, the parents received £2 10s. in case the child died, and if it lived to the age of one year, they received the full amount of £5. Now, he put it to any hon. Member whether any mother who wished to get rid of her child, would keep it alive till it attained the age of one year, in order to receive the larger sum? But he would call their attention to another point—that if that was really the cause of the excessive mortality in those places, then it would follow that the same cause would produce the same effect, or nearly so, wherever burial societies existed. But when they looked at the two largest towns referred to—Liverpool and Man-

chester—they found that for every 100 children who died under one year of age, 58 died from one to two. On the other hand, if they looked to the two smallest towns—Blackburn and Preston—for every 100 children who died under one year of age, 40 died at from one to two years of age; and yet, he believed, there were no towns where the burial societies had a larger number of members in proportion to population than Blackburn and Preston. But the Commissioners asked them to take in contrast with these towns other towns—Macclesfield, Chorley, and Doncaster, where, for every 100 children who died under one year, 35 died at from one to two years. Now, it so happened that Chorley was a place where burial societies had large numbers of members, and a great proportion of them under three years of age. But they were told by the Commissioners that, in these three towns, the burial societies were excellently conducted. He ventured to say that they could find a score of places in England where, irrespective of the existence of burial societies, they would find the same results. But if the argument was worth anything, it showed that they should endeavour to improve these burial societies, and not do away with the insurance of infants under three years of age. He ventured to think that further inquiry into that interesting question would prove that, just in proportion as they found an excessive amount of mortality in any particular town or city, so they would find an increase in the death-rate of all ages, and a greater proportionate increase of the death-rate from one to two years of age than under one year. But the Royal Commissioners were not content, and very properly so, with the information contained in these tables, and they determined to ask the opinion of men well qualified to give an opinion on such a subject. They requested 391 coroners and procurators-fiscal in England, Scotland, and Ireland to answer this question—

“Do you consider that the existence of burial societies exercises any unfavourable influence upon the mortality either of infants or adults, or tends to promote parental neglect?”

239 replied; and of that number 75 declined to give an opinion, 4 expressed themselves decidedly in favour of the influence of the societies, 114 said they thought the influence not unfavourable to infant life, and of the remaining 45,

Mr. W. Holmes

only 27 referred to the question of infant mortality, 12 of them saying that no cases had come under their observation upon which they could base opinions. This question received great attention from the Select Committee of 1854, and the conclusion they came to was—

“That the instances of child murder, where the motive of the criminal has been to obtain money from a burial society, are so few as by no means to impose upon Parliament an obligation, for the sake of public morality, to legislate specially with a view to the prevention of that crime.”

The Royal Commissioners, in their Report just issued, said—

“Nothing short of an inquiry, coupled with compulsory power, of obtaining evidence, and with power of indemnifying witnesses against the consequences of self-incrimination, can set the question at rest.”

It was to be regretted that, having no such power, and having only the limited and imperfect information referred to, the Commissioners should have drawn from so narrow an area of observation conclusions so important, and so calculated to create a feeling of alarm in the country. He was glad that the right hon. Baronet had reconsidered the 65th clause, and that he had been able to state to the House that he proposed to provide against any possible culpable carelessness on the part of parents, and to protect children, as far as he could protect them by legislation, by fixing the amount insured at a moderate sum, not exceeding the cost of burial. With the other guards that had been introduced into the Bill, he believed that every care would be taken against these societies being abused. On the whole, reserving to himself the right to propose Amendments in Committee, he should support the Bill; but, at the same time, looking to the importance of the question, which involved so many interests, he should feel no regret if the Chancellor of the Exchequer saw his way to postpone legislation on the subject until next year.

MR. E. STANHOPE said, it was very much to the credit of the English people that they were pre-eminent among European nations in their support of friendly societies, considering the small amount of support that was given to them by the State. Ever since the time of Mr. Pitt they had been casting about for the best means of giving them en-

couragement, and what was the result? It was universally admitted that the present action of the State was unsatisfactory, and that the State could not stand still in reference to the question, but must either recede from the position it had taken up, and leave the societies to take care of themselves, or go a very great deal further than it had at present proceeded. The right hon. Gentleman the Member for the University of London at one time laid it down that the State should go back and do nothing for friendly societies except register their names; but he afterwards maintained before the Friendly Society Commissioners that the State should establish minimum tables, and that no Society should be registered which did not adopt rates in excess of those in the tables. There were many objections to this proposal, among which might be reckoned the departure from the principle laid down by the right hon. Gentleman, because it was asking the State to go further in the direction of interference than it had ever done before. It seemed to show that the right hon. Gentleman had abandoned his idea of the State doing nothing; and, as the necessity for some action was almost admitted, it only remained to make it clear what that action should be. If anyone looked back into the history of these institutions, he would find that when first the working classes became conscious of the advantages they could obtain by combination for these purposes, they rushed into them with the blindest zeal and confidence, and thus became the dupes of others who intended, he would not say to defraud them, but to use them for their own selfish purposes. The result was, that there was scarcely a village which had not known the existence of a friendly society that had broken down. Two or three agencies contributed since that time to produce a sounder state of things. First patronage established county friendly societies, which, as a class, alone came out of the recent ordeal satisfactorily; but the time had gone by for patronage, and the classes for whose especial benefit they were established did not join them. Next the affiliated orders introduced sounder principles of management, especially by recognizing the necessity for areas sufficiently large to give average results; but it was a lamentable fact, after all, that one of the best of them—

the Odd Fellows—owed more than a million of money; and he knew, from what the Commissioners had stated, that, speaking of the affiliated orders as a whole—a body embracing about a million members—the average funds of the great bulk of the branches were totally inadequate to meet their liabilities. Then, again, the local burial societies laid “no claim to actuarial solvency,” while the larger burial societies, about whose financial position he had perhaps better say nothing, were described as presenting “untrustworthy accounts, credited in an unsatisfactory manner.” With regard to others the precise state of things could not be ascertained. In these circumstances it was high time that something should be done. Was Parliament to delay for ever, and year after year to allow new members to come into rotten societies without stamping them with its condemnation, or taking care, at least, that men should no longer join them in ignorance of their position? Among the causes which had led to the downfall of these societies might be mentioned—first, ruinous competition, for the founding of a village club was sure to be followed by the starting of an opposition club offering greater benefits, and the resulting competition ended in the ruin of both; a second cause of failure was the insufficiency of the rates; and a third, and most important one, was the way in which members had allowed the rules of the societies to be systematically disregarded. He knew one large society that had not had a general meeting of its members or committee for nine years, without objection being raised by one of its many thousand members; and at present no man knew what its condition was. Nothing was more distressing than the helplessness of anyone who wished to know, for the sake of himself or others, what society was “safe.” The Government, he ventured to think, ought to be asked to do for the societies of the poor what it did for the societies of the rich. No hon. Member going to an insurance office was allowed to be in absolute ignorance as to the financial position of the society, Parliament having required of each such society that it should publish its accounts, and show its position by its balance-sheet. Surely there was nothing unreasonable in asking that the societies of the poor should also be asked to publish

their accounts, and he would insist on a regular periodical valuation of the societies' property, of which many of them were at present afraid, knowing that actuarial examination would have a discouraging effect on people about to join them—indeed, it would have the very deterrent consequence it ought to have. The principle of the Bill was the provision of means to enforce improvement. The present registration had failed, and the time had come for local machinery to instruct people in the principles on which these societies ought to be managed, and to prosecute when the law was not complied with. The Bill did not go far enough; it was too much of a permissive Bill; he should like to substitute in some of its clauses the word "shall" for the cowardly word "may." He should like to see a public auditor appointed with power to report on the condition of any society on the application of the members. In this matter delay might be ruinous; it must involve disaster; and if he stood alone he would urge upon the Government to press forward some portion of their Bill and try to pass it this Session. But the feeling of the House was clearly against any such course. Many valuable suggestions had been thrown out in the course of the debate, and with the object of enabling the right hon. Gentleman the Chancellor of the Exchequer to consider them for a short time he would move the adjournment of the debate.

Motion made and Question proposed,
 "That the Debate be now adjourned."
 (*Mr. Edward Stanhope.*)

MR. MACDONALD said, he also wished to congratulate the right hon. Gentleman the Chancellor of the Exchequer on bringing forward the Bill, but joined with other hon. Members who had spoken in asking him to defer proceeding with it. He quite agreed with the hon. Member who had just sat down that the question was one deserving the utmost and immediate attention; but it was a subject so great in itself that any hasty legislation, he felt assured, would be a great deal worse than delay for another year, in order to ascertain the feeling of the body of the people upon it. Reference had been made to the Reports of the Royal Commission. Many of the large societies had not even seen those Reports at all, and it would be only

just that they should see the Reports before any Bill passed, and that they should have an opportunity of forming an opinion carefully upon the recommendations. He asked delay upon another ground. Certain charges had been made in the Reports respecting infant mortality. Those charges were so grave that the House and the country ought to know more about them, and they ought to be ferreted out to the very bottom. If they should turn out to be in any way well founded, he considered that no provision in the Bill was stringent enough to meet them. There was one matter which had not been referred to—namely, the large sums taken for collection. Having some knowledge of this question, he could affirm that a large amount of the savings of the people was wasted for purposes entirely different from those for which the money was contributed and should be applied. It was extremely desirable to give a spur to the people's providence and economy; and he looked forward to the time when, by the action of well-regulated benefit societies, the country would be able to do away with a Poor Law altogether; for if a twentieth part of the income of the prosperous public were taken from them to-day to support the poor, the time might come when all the income of the provident portion of the people might be applied to the support of the improvident. He, for one, looked with detestation upon a Poor Law as the thin edge of Communism, and for these reasons, and desiring to see a Bill passed that would encourage habits of providence among the people, he would venture to join in the request for delay.

MR. WHEELHOUSE said, it was desirable not to lose sight, in the consideration of this question, of the great difference which existed between friendly societies proper and burial and insurance societies. If the Chancellor of the Exchequer should see his way to pass any portion of the Bill, it would be necessary to keep that distinction clearly in view. It might be that much had been discovered with regard to burial societies; but he apprehended that whatever legislation was required in reference to those bodies, friendly societies, strictly and properly so-called, would be infinitely better if left to their own domestic, personal, and economic regulations than they could be if interfered with too largely by Govern-

Mr. E. Stanhope

ment. There was no guarantee whatever in the Commissioners' Reports upon which it would be safe to presuppose—much more unsafe would it be to act upon the supposition—that there was any great increase of mortality arising from the burial societies. He did not believe there was any ground for the somewhat unwarrantable, he had almost said libellous, statement sometimes advanced out of this House, that among the children of the members of burial societies there was an amount of mortality greater than might be expected among a class of people who dwelt in close and unhealthy places. Crowded dwellings did, and always would, produce disease and death, more especially when situated in the lower localities of our large cities and towns. With respect to the debt of the Odd Fellows, it was perfectly true that some years ago there was a deficit of £1,000,000, but it would be a mistake to suppose that the society was therefore insolvent. There might have been a time when that society owed £1,000,000 if then called upon to wind up, but it was perfectly able to go on meeting its engagements. The members, however, had since been continually making up the deficit. As regarded the tables of annuities it might be that, as had been said, it was a silent method of getting the thin edge of the wedge into the matter, and so handing the societies over to Government, which he should strongly deprecate. Anything tending to centralize a society would, so far as economy was concerned, be a very great evil, and he therefore hoped that the Government dealing with the subject, would as far as possible leave the internal regulation and economy of these societies in the hands of the societies themselves, as the less they interfered the better it would be. Although a great improvement had taken place lately, he desired that searching inquiry might be made into the affairs, at any rate of the smaller burial societies, with a view, if possible, to the separating of the legislative requisites, to meet alike their wants and the wants of friendly societies properly so named.

SIR SYDNEY WATERLOW, as a Member of the Royal Commission, expressed a hope that the Government would give the House further time to consider the subject, which affected the interests of 4,000,000 members and 32,000 societies

in England and Wales. He felt that the Reports on which the Bill was founded had been too recently issued and too imperfectly read, to enable them wisely, discreetly, and carefully to deal with the subject by legislation that Session. He very much doubted whether the Report of the Commissioners had been read to the end, but it was there stated that there was a supplementary Report; for while eight Commissioners signed the full Report, four Commissioners, and among them a most distinguished Member of the present Government, had signed another Report differing on one of the most vital principles of the Bill—namely, that of discretionary registration. He, therefore, ventured to think more time should be given for the consideration of this matter. It might well be left till next Session, in order to enable hon. Members to consult their constituents regarding it.

MR. EGERTON HUBBARD objected to being called upon to vote for the second reading of this Bill without having had a fair opportunity of reading the Reports on which it was founded. The Bill took away from people the construction and carrying on of their own societies, and for these reasons, therefore—the shortness of time allowed them to peruse the Report, the uncertainty and the difficulty of the subject—he urged upon the right hon. Gentleman the expediency of giving hon. Members the Recess in which to consult their constituents upon this most important subject. He had felt it to be necessary to send down the Reports to the secretaries of the different societies in the borough which he represented, and it was too much to expect that they could be dealt with in so short a time as had elapsed since their publication. He would beg the Government distinctly to state how they meant to deal with cattle assurance societies. The difficulties attending the proof of pleuro-pneumonia, and the insufficiency of the Government compensation for the rinderpest had, in his (Mr. Hubbard's) district, induced the farmers to take the matter entirely into their own hands. Did the Government intend to guarantee the existing friendly societies; if not, had the new registration a deeper meaning than the old? The Report told the country that the poor law was still the best friendly society—"You put nothing in, and take a

good deal out." He thought the Government would do well to consider how far they could not change the whole system of the poor law, and make thrift, and not destitution alone, the object of help, before they touched the friendly societies at all.

MR. WHITWELL said, the friendly societies throughout the country were expecting legislation, but they would be astonished if, before they had a fair opportunity of considering the Report of the Royal Commission, an Act were passed based on that Report. One great advantage of postponing the Bill until next Session would be that the circulation of the Report would act as a means of educating the members of these societies and preparing them for the legislation that was necessary. The House must remember that they could not deal with these societies as they could with factories, for they were mere voluntary associations, and might any day collapse. He did not doubt that many of these societies were sound, and placed on a legitimate basis, while others were not; but, under all the circumstances of the case, he considered that more time should be given for discussion in the country before they proceeded with any legislation.

DR. LUSH said, that according to his knowledge, there was a great desire in the country to have a more perfect acquaintance with the proposals of the right hon. Gentleman. He would point out that it was a great mistake to suppose that these societies were managed by ignorant men. That was not so, for the managers of friendly societies had a great suspicion of patronage from without, and an intense dislike for an excess of legislative regulation; but they had no objection to see a well-considered measure pass, and if the matter were allowed to stand over, they would be able to add much to the stock of information already existing upon the subject. What was wanted was a simple Bill which would enable the friendly societies to proceed more efficiently in their competition with the relieving officers and the Poor Laws. No doubt the evidence taken by the Royal Commission had opened the eyes of many persons connected with these societies as to the financial position of them; but he thought that if time were given to them, and they were not checked by any undue

threats, their recuperative power would enable them to put their affairs in a sound financial position. Permissive legislation would but give a false security, and undo the good the Chancellor of the Exchequer desired to effect. He, however, considered that no legislation could satisfactorily take place till next Session.

MR. M. T. BASS said, he had received representations from different societies imploring the right hon. Gentleman not to force on the Bill, and raising objections to at least 13 clauses. His own impression was, that the Bill was either too large or too small. He also thought it would be well to postpone legislation until further time had been given to the country to consider the whole of a very important and difficult question.

MR. HOLT was pleased with the Amendment which the right hon. Gentleman proposed to make in the clause relating to children under three years of age. He also agreed in the wisdom of the suggestion that it would be better to reprint the measure, in order that those interested in it might have an opportunity of deliberating upon the proposal.

MR. COLMAN said, that it was for the interest of the sound societies that legislation should be cautious and not hasty. If the Bill should be postponed till next Session, it could be well considered by all persons interested during the Recess, and if that should be done, Parliament would be able to make more rapid progress with legislation next Session.

THE CHANCELLOR OF THE EXCHEQUER thanked the hon. Member for Mid Lincolnshire (Mr. Stanhope) for his able and interesting speech, and also for having proposed a Motion and so enabled him (the Chancellor of the Exchequer) to make a few observations at the present stage of the Bill. He made a few observations on the second reading of the Bill in anticipation of the Amendment placed on the Paper, but not moved, by the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke). He was somewhat surprised that the hon. Baronet had not asked the opinion of the House upon his proposal, the view expressed in which had been supported by all the speakers in the course of the debate. The line taken by hon. Members not only did not surprise him, but

Mr. Egerton Hubbard

was entirely in accordance with his own feelings on the subject. During the time he had spent in studying this question, he had learnt to take a very great interest in it, and also to appreciate its difficult complexion and the importance of not attempting to legislate upon it without carrying the sense and the conviction of the country with them. It was not so much in the excellence of the rules under which these societies were managed as in the spirit with which they had been worked that he saw their chief merit. Many people had been induced to join them, and he should therefore think it a very great misfortune if by precipitate legislation the people were led to think that the management of them had been taken out of their hands and placed in those of Government officials, and that they had been legislated for irrespective of their convictions. But, feeling that, he could not regret the course which the Government had taken, for after looking at the mass of evidence upon the subject in the Library, which, by its very extensiveness, might deter many people from an attentive study, all they wished was sharply and clearly to draw the attention of the country and the House to the points requiring amendment, in order that no time might be lost in legislating upon them. Having succeeded in doing that, they were perfectly willing now to take the second reading of the Bill and then to commit it *pro formâ*, in order that it might be reprinted with the Amendments which had resulted from the discussion that had already taken place. The Bill in its amended form could then go into the country, together with the Report of the Commissioners and the evidence upon which it was based, in order that early in next Session they might be able to consider a carefully-considered measure, which would settle the whole question in a manner satisfactory to all concerned. He would now say a few words upon one or two important points; and, first, upon the question of the insurance of children, and infant mortality. He entirely repudiated such language as had been held by the hon. Member for Leeds (Mr. Wheelhouse) who spoke of the provisions on this subject as a libel on the working classes. Let it be borne in mind that the very imputation which was said to be cast on the working

classes by this Bill was already cast by law upon the richer classes. If his hon. Friend were to go into an insurance office and propose to insure the life of one of his children he would not be allowed to do so, because he would not have an insurable interest in it. An exceptional privilege was given to members of friendly societies in this respect; and now, whereas this privilege which the working classes had was exceptional, and in some cases had led to frightful calamities, the Government proposed to restrict, but not to take it away altogether. It was all nonsense to talk of libel on the working classes. It was well known there was no such idea in the minds of those who made the proposal, nor was it intended to suggest that the working classes were not as fond of their children as parents in the upper classes. But there were many cases in which children were exposed to great danger, not by the action of their parents, but of persons who had interested motives. Investigations into baby farming and other matters of that kind showed that such dangers were real. If hon. Gentlemen would look at the tables of the Registrar General, they would see that whereas in the Kingdom generally mortality in the first year of life was, from various causes, much greater than in the second and third, in those towns where the great collecting burial societies carried on their business, the reverse was the case; and the mortality in the second and third years, by which time benefits on insured lives became payable, largely exceeded the mortality in the first year. When one found that children were insured in two or three societies, in some cases to the amount of £18 and more, and then noticed these remarkable statements, one could not help suspecting that an evil existed which required to be remedied. Well, though the Government had put into their Bill clauses prohibiting the insurance of children under three years, he was prepared to admit that the injury which might be done to innocent people was so considerable that they should try to find out some other means to secure the end in view. He hoped that by limiting the amount and by precautions to prevent double insurance they might meet the evil. But he could assure the House the evil was one which was not to be lightly passed over. The right hon.

Gentleman (Mr. Lowe) found fault with the Bill in what seemed to be a rather hesitating manner, alleging that the present system was unsatisfactory, and that it would be very desirable that Government should no longer be thought responsible for its results. The right hon. Gentleman seemed to think that the Government had better stand out of the way and leave the societies altogether alone, but he rather shrunk from boldly stating that conclusion. On the other hand, if the Government would not do that, the right hon. Gentleman thought they should go further and enforce the regulations of the societies. Several other Gentlemen, and even the hon. Member for Maidstone (Sir Sydney Waterlow), to whose assistance the Commission was so deeply indebted, referred to a difference of opinion among the Commissioners themselves as to whether the Government should not go further and attempt to prescribe certain rules which would promote the greater efficiency of the societies. The House would probably find, on consideration, that the middle course proposed by the Government was the safest and best. He was surprised to hear so high an authority as the hon. Member for Sheffield (Mr. Roebuck) say—"Don't let the House touch these matters, because the societies are in a state of insolvency." That was approximating the state of mind of the gentleman who said not long ago—"I don't care what happens, so it does not happen to me." There seemed to be a feeling in some quarters that as long as the Government kept out of responsibility it did not matter what the societies did. But that was not the view of the Government. He was very much struck by what had been stated by the right hon. Member for Bradford (Mr. Forster), who said that some time ago he had occasion to look into the affairs of the Manchester Unity, and then he would not have liked to recommend that society as he was now prepared to do. He presumed the right hon. Gentleman was referring to a time when the Manchester Unity was kept outside the pale of the law, and not recognized on account of the jealousy which prevailed of what were called secret societies. But he was sure the great improvement in those societies dated from the time when they were brought within the pale of the law. God forbid that the Government should take the

work out of the hands of these societies, and make it compulsory on them to use the tables or other machinery which they would be well disposed to use if they found them suitable. But, then, the Government wished to place these tables at the service of the societies. Mr. Radcliffe had been the chief agent in improving the Manchester Unity, and in inducing it to take up sound principles of insurance, and he had given it tables, by which it would by-and-by, he believed, work itself into a state of complete solvency. But other societies were not disposed to take up the tables of the Manchester Unity without reference to their own condition, because the tables which might suit one society might not suit another. He attached much more importance to the periodical valuation. It was all very well for a society to adopt the tables recommended by the Government; but unless their proceedings were watched they might be going altogether wrong. The object of periodical valuation was, as boys said at school, "to prove your sum." He was quite aware that the best societies employed auditors of the highest ability and character to look at their accounts; but it was also true that in a large number of cases the audit was a mere delusion. In order to remedy this state of things it was necessary, first, to provide forms of accounts, the use of which should be compulsory, and which would show the real condition of the society, and in the second place to secure that auditors should be appointed whose statements could be relied upon. Well, the principle of the Bill was that they should afford the societies throughout the country the means of getting the assistance which they required. He desired that the means of registration should be brought nearer to hand than London, so that persons might easily obtain in their own district any information they might require with regard to the societies. If that was done, it might be hoped that, with the growing intelligence of the people and the advice of persons interested in the welfare of the working classes, there would be a great improvement and reform effected in these societies. He shrunk from giving any assurances which might seem to imply that the Government could do what they had never done and could not do. What, however, he thought they ought to do was to assist the so-

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cieties, and at the same time to give the public the means of ascertaining what the societies were doing. He hoped his hon. Friend would withdraw his Motion for the adjournment of the debate, as no advantage could be derived if it was pressed. He proposed that the Bill should now be read a second time, and at an early day they might go into Committee on it *pro forma*, in order that he might have the opportunity of inserting certain Amendments which he considered necessary.

MR. MELDON said, he was glad that the Government did not intend to press the measure. Many of the provisions, so far as they affected Ireland, were pernicious. It was sought to reserve the decision of many points to the officials in London, and even in some cases the jurisdiction of the Irish Law Courts was ousted. Friendly societies in England had already done much harm in Ireland, and this Bill should contain a clause that no English society should be allowed to be registered in Ireland, unless it possessed property in that country, or unless means were provided for prosecuting claims against the society without coming over to England. If the precaution was not taken of remedying this oversight, great hardship and expense would be inflicted upon poor people in Ireland.

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Monday next*.

VALUATION (IRELAND) ACT AMENDMENT BILL.—[BILL 134.]

(*Mr. William Henry Smith, Sir Michael Hicks-Beach.*)

SECOND READING.

Order for Second Reading read.

MR. W. H. SMITH, in moving that the Bill be now read the second time, said, that among other objects, it proposed to give power to increase the salaries of the officers of the Valuation Department, and to provide for a more satisfactory distribution of the charge for revising the valuation over the Irish counties. At present, there was no power to give any officer of the Civil Service in Ireland more than 20s. a-day. In accordance with the recommendation of the Committee which sat last year in Dublin it was proposed to raise the

salaries of some of these officers to an amount exceeding 20s. per day. The result of the measure would be to effect a saving of £2,500 a-year to the counties interested, and at the same time it would tend to secure increased efficiency and a better and more successful administration of the law than at present existed. In conclusion, he would move the second reading of the Bill.

Motion made, and question proposed, "That the Bill be now read a second time."—(*Mr. William Henry Smith.*)

MR. M'CARTHY DOWNING objected to the clause which gave power to the Commissioners at the end of seven years to make such alterations in the sums specified in the Schedules as they might think proper, and hoped it would be struck out of the Bill.

THE O'CONOR DON said, he thought the Bill ought not to be passed without some criticism, because he considered that the gentlemen whose salaries it was proposed to increase already received the largest amount of pay for the least amount of work of any public servants in Ireland. The total payment made for what was called the revision of valuation in 1867 was £22,000 a-year, and its cost was enormously in excess of the value of the work done, and the valuation itself was not real, valid, or *bond fide*. As an instance, he complained that while for the valuation of the City of Dublin there was only a sum of £200 entered in the Schedule, for the revision of the small county of Sligo a sum of £210 was entered. He could not see how the Bill could promote economy, and although he should not oppose the second reading, yet he hoped that the Schedule of the expenses to be incurred would be revised.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) thought the House need not feel much alarm at that small increase of expenditure. The three Civil Service Commissioners who were under the Control of the Treasury had investigated the circumstances, and he had the most perfect confidence that if they recommended an increase of salaries it must be imperatively called for. The Bill was a decided improvement in the direction of doing justice to excellent officers, and of lightening the expense of the work done in the counties which were benefited.

MR. SYNAN protested against the principle which took from the local bodies in Ireland all control over local taxation, and transferred it to a central Department in Dublin as monstrous and unjustifiable. If the Bill went into Committee, would the Chief Secretary for Ireland introduce Amendments for the protection of the local bodies?

MR. GOLDNEY said, he was surprised at the opposition made by the Irish Members. The principle of the Bill was, that instead of asking the Irish local authorities to contribute as they now did, £10,400 a-year, the Government asked them to contribute £8,000 a-year, and they would take upon themselves the additional burden. He thought the Bill would prove a boon to the community in Ireland and tend to increase what was much required, the salaries of the officers in the Irish Civil Service. The increase of salary asked for on behalf of the staff engaged on this survey was not more than fair, and he believed the House could not be unwilling to grant it. He hoped the Amendment would not be pressed.

MR. D. PLUNKET said, the Bill might be said to have sprung from an agitation got up within the last few years with a view of improving the condition of the Irish Civil servants. If there were one office more than another which required great improvement in the remuneration received by the Civil servants there, it was the Valuation Department. The Bill gave no more than a fair increase of salaries to the Civil servants in Ireland, and he hoped it would meet with the approval of the House.

MR. MELDON said, he was not aware that any objection had been made by any Irish Member to the proposed addition to these salaries. The complaint was that the staff employed was too large. He objected also to the control of the matter being taken away from the grand jury.

Bill read a second time, and committed for Thursday.

WENLOCK ELEMENTARY EDUCATION BILL.—[BILL 151.]

[Lords.] SECOND READING.

Order for Second Reading read.

GENERAL FORESTER, in moving that the Bill be now read the second time,

in favour of which he presented a Petition from the Mayor, Aldermen, and Common Councilmen of Wenlock, said, that the area of the borough was 30,200 acres, and that it extended 17 miles as the crow flies. It contained 17 parishes, in which the provision for elementary education was sufficient according to the Elementary Education Bill. A few gentlemen in the borough, however, were anxious for the establishment of a school board, but the general feeling of the borough was against it. This Bill had come down from the Lords, and its object was to exempt the borough from the operation of the general Act on education, and permit each parish of which it was composed to elect a school board if it felt so disposed. He hoped the measure would receive the assent of the House, for the right hon. Gentleman the Member for Bradford (Mr. Forster) had admitted it was an exceptional case. He would move the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(General Forester.)

MR. A. H. BROWN, in moving the rejection of the Bill, said, he regretted, as the Colleague of the hon. and gallant Gentleman, to have to submit to the House that no case had been made out for the application of exceptional legislation in the case of this borough. The Bill was not one that would meet with general approval by the inhabitants, for this was a case where a strong feeling existed in favour of compulsory education, and it was a case where compulsion ought to be extended by establishing a school board not for any particular parish, but for the whole borough. When the right hon. Gentleman the Member for Bradford introduced his Bill, his hon. and gallant Colleague (General Forester) desired to have Wenlock excepted from the provisions of the Act as regarded boroughs; and that was the object of this Bill. If a school board were elected for each parish in the borough, and there were 13 parishes in the borough, they could not work together with the same efficiency as if they had only one board, and he contended that one would not be so expensive as 13. He admitted that some of the parishes were a considerable distance from the centre, but he did not see how some of these small parishes

could bear the expense of a separate school board, and the result would be that the educational machinery would be a failure in very many instances. There was no case made out for such legislation, and on that ground he must oppose the second reading.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Alexander Brown.*)

Question proposed, "That the word 'now' stand part of the Question."

COLONEL CORBETT said, his hon. Friend had changed his mind, he was very sorry to hear, for he was sure he had not changed it for the better, and he could add that the people of the borough as a whole remained in favour of the Bill introduced by his hon. and gallant Friend. The district did not want a single school board, and it was a district to which that system would be quite inapplicable. The great bulk of the district consisted of rural parishes, and the feeling in it was in favour, not of school boards, but of being allowed to act as other rural districts were permitted to do. Out of 13 parishes in the borough, 12 objected to the introduction of a school board.

MR. W. E. FORSTER said, the Bill was one of considerable importance. In opposing it he did not wish to argue the question whether there should be general compulsion for the Kingdom, or whether school boards were preferable to voluntary schools. The ground on which he opposed the Bill, and begged the Vice President of the Council to pause before giving his assent to it was, because he believed that if it were passed, a considerable blow would be struck at the working of the Act of 1870—a blow which he felt sure the Government would not wish to strike at that measure. Nothing in that Act was more debated than the area of rating and the school district, and the conclusion was come to, after a great deal of discussion, that in municipal, as distinguished from Parliamentary boroughs, the municipal borough area should be the area of the school district, and in other cases the parish. He thought there ought to be the strongest possible care and most complete unity of feeling on the part of the inhabitants of a place before the House

adopted any exceptional legislation. There was not that unanimous opinion in this case, and he hoped the noble Lord (Viscount Sandon) would consider before he supported the Bill. If they once began to make a change on account of the wishes of a portion of the constituency of any borough, as proposed by the Bill, they could not stop at Wenlock, and he did not see how they could avoid bringing about a change throughout the whole Kingdom.

VISCOUNT SANDON said, he must decline to discuss the grave matter opened up by the hon. Member opposite (*Mr. A. H. Brown*) as to compulsion; but if he thought there was the slightest danger of the Bill changing the principle of the Act of 1870, he would not give it his support. But the case of Wenlock was a very curious one, being that of a group of villages connected with several distinct towns, and when he found that the Mayor and Corporation supported the measure now under consideration, he thought it a strong point in its favour. There were, however, some Amendments which it was proposed to insert in Committee, very much in the sense of what the hon. Member himself would have proposed; but as for the case itself, believing it to be unique and one of great singularity, that could not in any way be quoted as a precedent, he thought it right to give his consent to the second reading.

MR. MUNDELLA regretted very much that the noble Lord had given his assent to the Bill, believing that the case was anything but unique. It looked very like a job, and he was afraid there was a Whig nobleman at the bottom of it. Like the borough which he had the honour to represent the wealthiest portion of the inhabitants lived outside the municipal borough, and, like Wenlock in the present instance, would avoid any school rates whatever. He thought it was setting a bad precedent, and hoped the House would reject the second reading of the Bill.

LORD JOHN MANNERS assured the hon. Member that he was mistaken in supposing that any of the wealthy people of Wenlock wished to relieve themselves from contributions in support of the schools. He would also remind him that the Mayor and Common Council of the borough of Wenlock were in favour of the Bill.

sequence of persistent ophthalmia affecting the children. There were many other instances of the evils in a sanitary point of view of bringing together large numbers of children. He might here mention that this system of boarding out children received the sanction of the late President of the Local Government Board (Mr. Stansfeld) in 1873. That right hon. Gentleman said—

"The reports which we have received on the children generally are favourable as to their health, appearance, and management, and exhibit a satisfactory result in this respect of the system of boarding out orphan and deserted pauper children under the immediate supervision of committees who voluntarily undertake the duty."

Then, as regarded the moral aspect of the question, he should desire to say one word. It was, unhappily, a certain fact that a Union-house education exercised a very injurious influence upon the future moral and social character of the children. He had before him a reliable statement to the effect that in one instance out of 80 girls educated in a Union school, scarcely one escaped moral degradation in after life, and he feared it was not a solitary instance. It could not be doubted that these evils would be greatly mitigated if orphan and deserted children were placed under the better influences of home and domestic life. Then, with reference to the question as affecting the ratepayers, it could not, he believed, be shown that the ratepayers derived any advantage from having large Union or district schools. The subject was recently discussed at the Lancashire Sessions at Preston, and it appeared that the cost of each child at the Swinton District School, near Manchester—stated to be one of the best of the class—was 6*s.* 4*d.* a week, and at the Leeds Schools 7*s.* 7*d.*; whereas in England the average on the boarding out system seemed to be about 5*s.*, and in Scotland, where it was very general, it did not much exceed 3*s.* 6*d.* or 4*s.* Similar facts, he believed, had appeared in Returns made to the Local Government Board, showing that the average cost of a child in a district school was nearly 10*s.* a week, and that on the boarding out system it did not exceed 5*s.* This system, which had prevailed in Scotland for many years, had been attended with great success. There it was not confined to orphans and deserted children only, and it was stated

Earl De La Warr

that upwards of 7,000 were placed out to be boarded and taken care of. Mr. Henley, in a Report to the Poor Law Board in the year 1870, on this system as practised in Scotland, said—

"Boarded out children certainly acquire a more robust constitution, and apparently greater mental activity, than children reared in an ordinary workhouse, and these two points strike at the very root of pauperism, as the majority who fall upon the rates do so from mental or physical weakness."

He ventured to think that the facts to which he had thus briefly referred, which were only a few out of many, would recommend the system to more general adoption if the advantages in a physical, moral, and economical point of view were better known, and if it was more fully sanctioned by the Local Government Board.

Moved, That there be laid before the House—

Return of the number of orphan and deserted pauper children boarded-out on 1st of July 1874 in different Unions in England and Wales, distinguishing those boarded-out under the regulations of the Local Government Board from those placed out within the Union but not under those regulations; also the number on the same day of pauper children in each of the district schools at Anerley and Hanwell, showing in both cases the average cost per week of each child to the ratepayers; and also a statement showing the average cost per week of a pauper maintained in a workhouse in the Metropolis and also in the other Unions in England and Wales.—(*The Earl De La Warr.*)

LORD WALSHINGHAM said, there was no objection to the production of the Return moved for by his noble Friend. He thought, however, that his noble Friend was mistaken as to the scope of the last of the Acts relating to the boarding out of children. Under the provisions of that Act all children charged on the rates, except the children of able-bodied paupers, might be boarded out. His noble Friend recommended the boarding-out system as being economical as well as possessing the other advantages which he had described it as possessing. The Guardians throughout the country were not in general slow to avail themselves of what would effect a saving, and he did not think it likely that they would have overlooked that consideration in this case.

Motion agreed to.

LICENSING ACT, 1872.

ADDRESS FOR RETURNS.

LORD ABERDARE moved an Address for Returns relating to the working of the Licensing Act of 1872. The noble Lord said that his object in moving for these Returns was not to make a speech, but that their Lordships should be fully informed as to the working of the Licensing Act of 1872 before they were called upon to consider the Intoxicating Liquors Bill now about to be brought up from the other House. The first three documents were at the Home Office at the time of the late Government, and he thought they ought to have them as well as those more recently received at the Home Office on the same subject; so that they might be in a position fully to judge of the working of the Act of 1872, and the effect it had had in securing public order.

Moved, That an humble Address be presented to Her Majesty for—

Return of reports to the Home Secretary by the mayor of Manchester, the stipendiary magistrate of Hull, and the chief constable of Blackburn on the working of the Licensing Act of 1872; and of such other reports by local authorities, stipendiary magistrates, or chief constables on the same subject, not being of a private character, made to the Home Office during the years 1873 and 1874.—(*The Lord Aberdare.*)

THE DUKE OF RICHMOND said, he was as anxious as the noble Lord that the fullest information should be before the House on this subject. He would take care that every document that could assist their deliberations should be on the Table of the House. There could be no possible objection to giving the Returns asked for.

Motion agreed to.

INDIA COUNCILS BILL.

PERSONAL EXPLANATION.

THE MARQUESS OF SALISBURY—who had given Notice to call attention to some statements published under the name of Lord Sandhurst, with respect to the conduct of Business in this House—said: My Lords, on Saturday morning I noticed in the newspapers a letter under the signature of Lord Sandhurst, which began in the following words:—

"The India Councils Bill has passed through the House of Lords in an unusual manner, which has precluded a sufficient discussion of

really very important matter. I have, in consequence, through no fault of my own, been unable to state my objections to the Bill as it now stands—objections which, I venture to think, carry some weight with them, and may be worthy the attention of the House of Commons when the Bill is read there a second time."

My Lords, I am sorry that the noble Lord is necessarily absent on this occasion—that imposes some restraint on me, but I cannot help expressing my regret that the noble Lord, whose oratory we always listen to with such pleasure and attention, should have thought it right to sit silent through all the proceedings on this Bill, and should then fire off his eloquence for the House of Commons. It is very hard that we should be deprived of the eloquence of such a distinguished ornament of your Lordships' House; but I think we have still more cause to regret this if, when he thinks he has reason to complain of the manner in which Business is transacted in this House, he should communicate his dissatisfaction to the newspapers. In my opinion the proper place to object to the way in which Business is transacted here is, for a Peer, the floor of this House. Here such objections can be stated; here they may be answered and any misapprehensions cleared up. I will venture to trouble your Lordships with a few words on this matter—not because I think you would imagine that I had taken any improper advantage, but because these matters excite great interest and attention in India, and I am afraid that if I did not answer the statements of the noble Lord it might be supposed that they were admitted. My Lords, there was nothing unusual in the way in which this Bill passed through the House. I suppose, from his saying that he was unable to express an opinion, the noble and gallant Lord imagines that it was carried through with unusual speed. Lord Sandhurst has not been long in this House; he never was in the other House of Parliament; and the distinguished command he holds has prevented him from giving close attention to our proceedings:—otherwise he would have found that for an India Bill this measure remained remarkably long before your Lordships' House, and received a great deal of attention. I have taken the trouble to look at the time which other India Bills have been before your Lordships. Since the Mutiny Bill there have been three such Bills.

First, the Government of India Bill, which transferred the Government of India from the Board of Directors of the East India Company to the Crown. That Bill was one fortnight before the House. Next, there was the India Councils Bill, which established the present Legislative Council under which all Acts concerning India become law. That was before your Lordships 21 days. Lastly, there was the Government of India Bill Amendment Bill of 1870, which made some very important alterations in the mode of legislation, and which contains the clause by which the Natives of India are admitted, under certain conditions, to the covenanted service of that country. That Bill was before you 14 days. This unfortunate little Bill, which, although associated with considerable questions of policy is of itself a minute legislative change, was before the House 24 days; and therefore, according to all the precedents it was not conducted through the House with unusual speed. Then, as to the question of discussion, it is no easy matter to get an India Bill discussed in a full House. If you put it down first on the Notice Paper nobody comes down; if you put it last everybody goes away. I put this Bill in a place which I thought gave it the greatest possible chance of being discussed—between two ecclesiastical Bills. The evening began with the Church Patronage (Scotland) Bill, and ended with the Bishops Public Worship Regulation Bill. I trusted to the first to bring down a House, and to the last to keep it here. I venture to ask whether any ingenuity could have devised a more fortunate position for securing in favour of an India Bill the full attention of your Lordships? I have no reason to complain personally of Lord Sandhurst's letter, inasmuch as he gives his assent to the main provisions of the Bill; but then he writes to the papers to discuss and condemn a clause which he seems to think is contained in the Bill. The fact is that on Tuesday the Bill was read a third time and passed, and the clause to which he objects was struck out before it passed. But on Saturday the noble Lord wrote to the newspapers giving an elaborate condemnation of the clause that had already been executed. That shows the inconvenience of extra-Parliamentary discussions of these matters instead of

on the floor of the House. There was a good deal to be said in favour of the noble Lord's views as to that clause. It was criticized here by other noble Lords—especially by Lord Napier—and in consequence of the objections taken to it, but without any pressure, I withdrew it. Lord Sandhurst would have been fully justified in discussing it, but he should have discussed it in this House. I have only troubled your Lordships on this subject, because Lord Sandhurst's misapprehensions printed in *The Times* might affect some persons in India, although not your Lordships; and also because I wish to protest against so distinguished a Peer reserving for the House of Commons speeches which are due to us.

EARL GRANVILLE: I think the noble Marquess is quite right in drawing attention to this matter, so as to prevent any misapprehension on this subject in India; I am, however, afraid that certain of his remarks may unintentionally convey the impression that your Lordships were inattentive to measures affecting India. I therefore wish to remind him that of the measures to which he referred two came up to this House from the other House of Parliament, where they had engaged the attention of that House and the public, and although the various stages were taken at short intervals, they were very amply debated.

House adjourned at a quarter past
Six o'clock, to Thursday next,
half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 23rd June, 1874.

MINUTES.]—NEW MEMBER SWORN—Charles Mark Palmer, esquire, for Durham County (Northern Division).

WAYS AND MEANS—considered in Committee—Customs Duties (Isle of Man).

PUBLIC BILLS—Ordered—First Reading—Evidence Law Amendment (Scotland)* [165].

Committee—Intoxicating Liquors (Ireland) (No. 2)* [114]—R.P.

Committee—Report—Factories (Health of Women, &c.) [115]; Courts (Straits Settlements)* [126].

Third Reading—Colonial Attorneys Relief Act Amendment* [146]; Working Men's Dwellings* [22], and passed.

Withdrawn—Irish Land Act (1870) Extension* [47].

The Marquess of Salisbury

CONTROVERTED ELECTIONS—LAUNCESTON —PETERSFIELD—BOSTON.

MR. SPRAKER informed the House, that he had received from Mr. Justice Mellor, one of the Judges selected, pursuant to the Parliamentary Elections Act, 1868, for the Trial of Election Petitions, Certificates and Reports relating to the Election for the Borough of Launceston; and for the Borough of Petersfield.

And that he had received from Mr. Justice Grove, another of the Judges so selected, a further Certificate and Report, and also a Letter, relating to the Election for the Borough of Boston.

Launceston Election.—In the matter of a Petition relating to the last Election for the Borough of Launceston, Mr. Justice Mellor reported that James Henry Deakin, whose Election and Return were complained of by the Petition, was not duly elected and returned at the said Election, and that his Election and Return were wholly null and void.

Mr. Justice Mellor further specially reported that the said James Henry Deakin had been guilty of a corrupt practice within the true intent and meaning of the Corrupt Practices Prevention Act, 1854.

Petersfield Election.—In the matter of a Petition for the Borough of Petersfield, Mr. Justice Mellor reported that at the trial of the said Petition it appeared that certain questions of law arose touching the claim of the Petitioner that William Nicholson should be declared duly elected and returned in the place and stead of Sydney Hylton Jolliffe, and that he accordingly directed that a special case should be stated for the consideration of the Court of Common Pleas, and postponed the granting of his certificate and report until such questions had been determined by the said Court. He now, in conformity with the decision of the said Court touching such questions, further certified and reported that the said William Nicholson had not a majority of legal votes over the said Sydney Hylton Jolliffe, and ought not to have been returned as elected, but that the said Sydney Hylton Jolliffe was duly elected and returned at the said Election.

Boston Election.—Mr. Justice Grove, referring to his Report in the case of the Election Petition for the Borough of Boston, stated that the case which he reserved for the decision of the Court of Common Pleas in reference to the claim of Mr. John Wingfield Malcolm to sit as Member for the Borough of Boston had this day been decided by that Court, and, in consequence of the decision of that Court, he now reported and certified that the said Mr. John Wingfield Malcolm was duly elected as a Member to serve in Parliament for that Borough.

CATTLE DISEASE—IMPORTATION OF IRISH CATTLE.—QUESTION.

MR. COGAN asked the Vice President of the Council, Whether the Resolution which it has been stated the Lord President has arrived at of requiring a more stringent inspection of animals

imported into this Country from Ireland has arisen from the prevalence of any cattle disease in that part of the United Kingdom; if so, can he state in what part of Ireland such disease prevails, and the nature of and the number of cases that have been reported for each of the last four weeks; and, if there be no such prevalence of disease, on what grounds has it been deemed necessary to impose new restrictions on the importation of Irish cattle?

VISCOUNT SANDON: Sir, the proposed inspection of animals landed from Ireland has not been decided upon on account of any fresh outbreak of cattle disease in that country. It is not proposed to impose new restrictions on the importation of Irish cattle, but merely to ascertain that the regulations at present in force are effectually carried out. The Lord President is only acting in accordance with the recommendation of the Committee of the House of Commons, 1873, which reported as follows on this subject:—

“That the Orders of Council relating to the transit of animals both as regards disinfection and the prevention of cruelty and suffering appear to be well adapted for these purposes, but your Committee are of opinion that such orders cannot be satisfactorily carried out without inspection from time to time by the officers of the central authority of vessels engaged in the Irish and coasting as well as in the foreign trade.”

SOUTH AFRICA—CONFEDERATION OF SOUTH AFRICAN COLONIES.

QUESTION.

MR. ALEXANDER M'ARTHUR asked the Under Secretary of State for the Colonies, What steps have been taken by the Government of the Cape of Good Hope in regard to the question of confederation of the several Colonies and States of South Africa, and what course of action has been adopted by Her Majesty's Government on the subject; and, what action has been taken by Her Majesty's Government in reference to a Resolution adopted by the Legislative Council of the Cape of Good Hope in the Session of 1872 on the subject of the annexation of the Transkiran Territory, which Resolution his Excellency Sir Henry Barkly, Governor of that Colony, intimated on the 10th of July, 1872, to the Legislative Council he had forwarded to Her Majesty's Government?

MR. J. LOWTHER: Sir, the Government of the Cape of Good Hope does not appear to have taken any active steps for effecting the confederation of the Colonies and States in South Africa. Her Majesty's Government are fully impressed with the great advantages which would result from such a federation. They would be prepared to promote it in any legitimate manner, and in the event of such federation would be willing to secure to the Orange Free State and to the South African Republic suitable positions and representation in it. In the absence of any evidence of a renewed desire for confederation on the part of those more immediately concerned, Her Majesty's Government have not thought that they could with advantage press the question. With regard to the Transkeian Territory, the question of annexation to the Cape has not been revived since the establishment in that Colony of responsible Government, which, of course, places all such questions on a different footing.

IRELAND—POOR RATE COLLECTORS. QUESTION.

MR. SYNAN asked the Chief Secretary for Ireland, Whether he proposes to bring in any measure to remedy the grievances complained of by the Poor Rate Collectors in Ireland, and the particulars of which a deputation from that body has laid before him?

SIR MICHAEL HICKS-BEACH, in reply, said, that the poor rate collectors of Ireland had made representations to the Government, stating that they had grievances on three points; first, as to their duties in the Registration of Parliamentary voters; second, as to their duties in the revision of the Jury list; and thirdly, with respect to the valuation of property. He did not propose to bring in a Bill dealing with these matters, for this reason, that the first two points were under the consideration of Committees of that House, and recommendations on the subject might be made that Session; and the proper time to consider their claims in respect to the third point was when the scheme for the alteration of the valuation of property in Ireland was before the House.

PARLIAMENT—ELECTORAL DISABILITIES OF WOMEN.—QUESTION.

MR. FORSYTH asked the First Lord of the Treasury, Whether, considering that upwards of one thousand Petitions, containing more than three hundred thousand signatures, have been presented this Session to the House of Commons in favour of the Bill to remove the Electoral Disabilities of Women, he can hold out any expectation that an opportunity will be afforded for reading the Bill a second time in the present Session?

MR. DISRAELI: Sir, I am anxious, so far as it is in my power, to give opportunities to every hon. Gentleman who has the care of any question of great interest to bring it forward. But my hon. Friend must feel that it is rather premature to press me for any more distinct answer to the question than that. It is only recently that the House has with much liberality confided to Her Majesty's Government an increase of opportunity for carrying on the Public Business. When that is more advanced it will be in my power to speak more distinctly upon the subject of specific Motions. I have already engaged to give a day to hon. Gentlemen opposite for the subject of Home Rule, and I must not forget that I have an engagement with the hon. Member for Londonderry (Mr. Charles Lewis) with regard to the Income Tax, and another with an hon. Gentleman opposite (Mr. M'Carthy) in reference to the Waste Lands of Ireland, both of whom made a great sacrifice in order to further Public Business. I cannot, therefore, give any other assurance to my hon. Friend except this—that if it is in my power, in this case, as in every other, it will be most gratifying to me to assist him.

IRELAND—DRAINAGE OF THE SUCK AND SHANNON.—QUESTION.

CAPTAIN NOLAN asked the Chief Secretary for Ireland, To what distance from its confluence with the Shannon will the drainage of the Suck be affected by the Government Bill for the navigation of the main stream?

SIR MICHAEL HICKS-BEACH: The regulation, Sir, of the waters of the Shannon contemplated under the Government Bill will directly affect the waters

of the River Suck as far up as the Pollboy Mill below Ballinasloe, a distance of about seven or eight miles from its confluence with the Shannon. The measure will have the further effect of removing any possible objection which may have hitherto existed to the formation of the lands watered by the Suck into a drainage district.

CRIMINAL LAW—ACCOUNT OF FINES AND PENAL SUMS.—QUESTION.

MR. DOWNING asked the Chief Secretary for Ireland, Whether the last Abstract of Accounts of Fines and Penal Sums accounted for under the Act of the 14 and 15 Vic., c. 90, and 21 and 22 Vic., c. 100, is that of the 30th July, for the year ending 31st December 1870; and, if so, can he state why no Returns have been made for the years 1871 and 1872, pursuant to the requirements of the first statute referred to?

SIR MICHAEL HICKS-BEACH, in reply, said, that the Abstract for the year 1870 was presented in July, 1872. The Abstract for 1871 was not completed in time for presentation last Session. It was ready in November last, but its presentation was deferred until the Abstract for 1872 should be ready, so that both could be presented together. The Abstract for 1871 would be presented that week, and every effort was being made to have the Abstract for 1872 complete before the end of the present Session.

ARMY—ALLOWANCES TO VOLUNTEER CORPS.—QUESTION.

MR. WHEELHOUSE asked the Secretary of State for War, Whether the Funds arising from the issue of Allowances due to Volunteer Corps, and ordered by Clause 73, Section 17, of the Auxiliary and Reserved Forces Circular 1873 to be made to the Commanding Officer, jointly with three Members of a Finance Committee, ought not to be placed in some Bank to the credit and on the account of such Commanding Officer and three Members of Committee, expressly as a Finance Committee, unless the Commanding Officer be directly authorized to place such Funds to his own personal credit by the said three Members; and, notwithstanding Section 22 of the said 73rd clause, has the Finance Committee so constituted by

such first named Section any control whatever over the expenditure or disposition of such Funds?

MR. GATHORNE HARDY, in reply, said, that the issues of allowances due to Volunteer Corps, were made to the Commanding Officer jointly with three Members of a Finance Committee, appointed under rules which had been approved by Her Majesty, for the Corps to aid the Commanding Officer in the management of the finances. Under the War Office Regulations, No. 22, no account of the expenditure of the foregoing allowances was required to be rendered to that office. The Finance Committee, therefore, with the Commanding Officer, had entire control, and their mode of dealing with the Funds was not interfered with by order or advice from the War Office.

FACTORIES (HEALTH OF WOMEN, &c.) BILL.—[BILL 115.]

(Mr. Secretary Cross, Sir Henry Selwin-Ibbetson, Viscount Sandon.)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Assheton Cross.)

MR. W. HOLMS, in moving, as an Amendment, the following Resolution:—

"That it is expedient to include within the application of the Bill the manufactures and employments to which 'The Factory Acts Extension Act, 1864,' applies, viz., the manufacture of earthenware, except bricks and tiles not being ornamental tiles; the manufacture of lucifer matches; the manufacture of percussion caps; the manufacture of cartridges; the employment of paper staining; the employment of fustian cutting. As also the following Factories as defined by 'The Factories Acts Extension Act, 1867,' viz.:—Any blast furnace; any copper mill; any iron mill; iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on; any premises in which steam, water, or other mechanical power is used for moving machinery employed—(a.) In the manufacture of machinery; (b.) in the manufacture of any article of metal not being machinery; (c.) in the manufacture of india-rubber or gutta-percha, or articles made wholly or partly of india-rubber or gutta-percha; any premises in which any of the following manufactures or processes are carried on, viz.:—(a.) Paper manufacture; (b.) glass manufacture; (c.) tobacco manufacture; (d.) letterpress printing; (e.) bookbinding."

said, with the permission of the House,

he would briefly state his reasons for asking hon. Members to affirm that it was expedient that the factories named in the Acts of 1864 and 1867 should be included in the Bill. When the measure of the hon. Member for Sheffield (Mr. Mundella) was under discussion, he (Mr. Holms) ventured to suggest that it should be withdrawn, and that the whole question of factory legislation should be referred to a Select Committee, with a view to further legislation, and also with a view to simplify and consolidate those Acts which had been characterized by the Home Secretary as in an inextricable condition. That Bill passed from the hands of the hon. Member for Sheffield and became the property of the Government, and subsequently the Prime Minister included it among the seven great measures of the Session. He therefore anticipated that the Home Secretary, when he made his statement on the second reading, would have clearly indicated not merely what he proposed to do with regard to textile manufactures—because they only formed a part of a general system—but that he would have also indicated what he proposed to do with factory legislation in general. Up to the present time, however, no distinct declaration had been made of what were the Government's intentions. What, therefore, was their position? They were called upon to legislate for two distinct classes of operatives—on the one hand adult women, and on the other children and young persons. In the able debate on the second reading of this Bill, the question of how far it would be just or expedient to legislate for further interference with the liberty of adult women to sell their labour was fully discussed, and the Home Secretary founded his proposed legislation on two arguments; the first being that women, to a certain extent, were not free agents. When young and unmarried they were under the control of their parents, and when married they were under the control of their husbands. From his (Mr. Holms') experience, he ventured to say that women employed in factories were as independent and as well able to look after their own interests as any class of working people. He would ask if, in interfering with the labour of adult women, they might not be interfering with that freedom of action which was the boast of this country? The other was on sanitary

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grounds, but he contended that the evidence adduced was most inconclusive. It was, however, upon those two grounds, the one dangerous, the other unsatisfactory, that the right hon. Baronet based his legislation. The hon. Member for Hackney (Mr. Fawcett) had urged, and he (Mr. Holms) quite agreed with him, that the House should not legislate so as to interfere with the labour of adult women, except so far as was required from a sanitary point of view; but he (Mr. Holms) contended that children and young persons ought especially to be protected by the Legislature, and in protecting children and young persons, women would necessarily be affected by such legislation, for there were vast industries in this country which were carried on by children, young persons, and women, and Parliament, in legislating for one class, would practically be legislating for the other class also. He believed that if the measure had been called "*Factories Health of Children and Young Persons Bill*," it would have produced the same result as the proposed Bill; but then it would have been based on a right principle; and women, as well as men employed in factories—and who were not named in the Bill—would by its operation have had their hours of labour shortened. While in the debate to which he referred there was a difference of opinion as to the propriety of legislating for women, there was on the other hand a unanimous demand for restricting the hours of labour for children and young persons. Another question of very great importance was, whether the Bill should be partial or comprehensive in its scope. For many years factory legislation in this country was of an experimental, and therefore of a piecemeal character; but now, after considerable experience Government Inspectors and sub-Inspectors were unanimously of opinion, repeatedly expressed in their Reports that the time had come for the consolidation of all existing Acts. Mr. Baker and Mr. Redgrave, in a joint Report, said—

"We have at various times urged the abolition of the different hours of work in the several trades under Government restrictions, such anomalies being the cause of very great dissatisfaction."

Instead, however, of dealing with this question in the spirit suggested by the experience of those two gentlemen, it

they could arrive at a good result, but because they could satisfy all the parties who were concerned. The subject had been so thoroughly discussed on the second reading, and the majority which had declared itself to be in favour of legislation was so great, that he hoped the present opportunity of settling a very important question, on a footing satisfactory both to the employers and the *employés*, would not be lost. His belief was that the Bill, if passed into law, would, in the course of time, so tend to improve the education of the children engaged in our textile manufactories, and that the result of its actions would be that those interested in those manufactures would reap a large harvest. He would merely, in conclusion, repeat the testimony which he had already borne to the good feeling and the desire to arrive at a satisfactory conclusion, which had been exhibited during the negotiations which he had had on the subject by both parties concerned. As to the employers of labour, they had come forward in the most honourable, fair—he might say, noble spirit—and while, at the outset, stating their objections to the proposed legislation in the strongest possible way, had at last given up the prejudices which they naturally entertained against it, in order to set the question at rest for many long years to come, by placing the relations between them and those engaged under them on a sound footing. He trusted they would be allowed to go into Committee.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

MR. W. SHAW, who had an Amendment on the Paper to refer the Bill to a Select Committee, was about to address the House, when—

MR. SPEAKER pointed out that the hon. Member could not put his Amendment, although he was entitled to speak on the Motion that he (Mr. Speaker) leave the Chair.

MR. W. SHAW said, that perhaps he might be allowed to explain the reasons why he had placed his Amendment on the Paper. In his opinion, if this Bill were referred to a Select Committee, plenty of time would be given to the different trades to consider their position in respect to it, and he maintained that the Report of the Commissioners did

not give them facts sufficient to justify the House in legislating on the subject. The Bill was not what the right hon. Gentleman pretended it to be, because there was not a single clause in the measure proposing to legislate on any sanitary subject. No loss would occur to anybody by delaying this measure for a year. On the contrary, if they kept the Bill over, and referred it with the whole question to a Select Committee, they would have a comprehensive measure, instead of patchwork legislation. He assured the House, from his own knowledge of the matter, that the passing of this Bill would inflict a very severe blow upon the flax manufacture, which was the principal industry in Ireland. Although the workpeople in Ireland did not complain of the present hours, yet by this Bill they were told that they should not labour. He was extremely sorry that the Rules of the House prevented its dividing on the Question, because he felt sure that many hon. Members on both sides would have supported his Motion, and he believed the great majority of the Irish Members were in favour of excluding Ireland from the operation of the measure.

MR. T. A. DICKSON said, he thought it was neither unwise nor unreasonable to ask that legislation should be stayed, and this matter allowed to go before a Select Committee. If the Bill passed in its present shape, it would be most disastrous to the manufacturing industry of the North of Ireland, but if it were delayed most important information might be elicited. If the hours were diminished, it would be impossible for the Irish manufacturers to compete with foreigners. There was no analogy between Ireland and England with respect to manufactures. There was only one branch of manufacture in Ireland, while England had many. The Irish once had a woollen trade, but that was swept away by a ruthless Act of Parliament, and was never restored. He asked the House to pause before they destroyed another trade in that country by another Act of Parliament. The women of Ireland were opposed to this change in the law, believing that it would ruin their occupation. He hoped that Ireland would not be sacrificed to the political necessities of England.

MR. MITCHELL HENRY also thought a pause should be made before

operation of the Bill? The other night the Vice President of the Council on Education said—

"It was a matter of grave consideration whether, by special legislation, Parliament could not simplify our educational position so as to adopt one uniform age, below which no child should be employed."

Every argument that could be urged in favour of restricting the hours of labour in textile factories, might be urged with even greater force in reference to those factories named in his Amendment. By legislating for one class of factories only, the result to children—the class of all others which Parliament ought to protect—would be injurious. Legislation of this kind to be satisfactory and fair alike to employer and employed, should, in his opinion, and he trusted in the opinion of this House, be comprehensive in its scope and simultaneous in its application to all factories under Government supervision.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is expedient to include within the application of the Bill the manufactures and employments to which the Factory Acts Extension Act of 1864, and of 1867, apply,"—(*Mr. William Holms*.)

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MR. ASSHETON CROSS said, he was very glad to hear that the hon. Member, who was so well qualified to form an opinion upon the subject, was not frightened at the bugbear of foreign competition. With regard to a good many of the hon. Member's statements, he should have thought from them that the hon. Member was practically moving the rejection of the Bill now before the House. Most of his arguments might very fairly have been adduced in support of the speech made by the hon. Member (Mr. Fawcett) some little time ago. If hon. Members looked at the formidable array of manufactures which the hon. Gentleman had placed upon the Paper, and all of which he wished to include under the Act, they would see at once that it would be impossible, without due notice, to adopt his suggestion. It would be extremely unfair both to the employer and the employed in those trades, if they were to be included within the Bill without any previous notice. They had had no opportunity of knowing how the provisions of

the Bill would apply in their particular trades, and whether great hardship would not be inflicted upon them. When the Bill was first introduced, he himself thought that those trades more intimately connected with textile manufactures, such as bleaching and dyeing works, might be brought within its scope; but it had been clearly proved to him that those trades had a case which ought, at all events, to be heard before they applied the provisions of that measure to them. Therefore, on the second reading he had announced that, as far as bleaching and dyeing and other works of that kind were concerned, although he was much in favour of including them in the Bill, they would for a time, at least, be practically excepted from its operation. But, if that was right in regard to those particular trades, it was still more so in regard to the large number of other trades embraced in the hon. Member's Resolution. Since the second reading of the Bill, he had been in communication with the persons engaged in those trades, and also with the hon. Member for Paisley (Mr. W. Holms) himself, and it was his earnest wish and desire that all the Factory Acts should be consolidated—that they should all be placed on some basis which they could all understand, and an Act passed which would last many years for the regulation of those trades. But, before such a measure of consolidation could be brought forward, it would be necessary that an inquiry should be made by a fair and impartially constituted tribunal into the nature of the various trades, because without that no satisfactory conclusion could be arrived at. With regard to the matter that was more particularly before them, though he admitted that, to a certain extent, there was an anomaly in applying the measure to one kind of industry only, yet for many years in the textile fabrics both the employer and employed had known that matters could not long rest in the position in which they were at this moment. He believed that both parties were now prepared to accept the provisions of the Bill as to the hours of labour and the ages at which children should work, and that the measure would prevent any ill-feeling which might arise on the one side or the other. Therefore, the Government were prepared to legislate with respect to textile manufactures now, not only because

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as political questions he trembled for the consequence. If industrial questions were settled as they ought to be by a fair stand-up contest between capital and labour, capital, though not numerically so strong as labour, had great resources, and could defend itself; but once let these trade questions, now we had an enfranchised people, be settled at the polling-booth, and the result would be very different. The hon. Member for Sheffield (Mr. Mundella) had stated that this Bill was a compromise; but they had not before them a single tittle of evidence of that. When the hon. Member himself said that lately in the presence of Mr. Middleton, who represented an association for shortening the hours, Mr. Middleton treated the notion with contempt, and declared that working men would not be satisfied without a reduction of the hours to 54. Only a fortnight ago a great workman's organization in Yorkshire, at which 82 delegates were present, unanimously passed a resolution that they accepted this Bill, not as a settlement, but only as an instalment. In the face of that fact was it not trifling with the House to ask it to believe that this was to be regarded as a settlement of the question? A proposal to limit the hours of labour of women involved one of two things—it was either a proposal to limit the hours of men and women alike, or else to place the labour of women in an unfair position. If the first, it was extremely hazardous; if the second, he was not prepared, after what had happened during the last fortnight, to allow men to be the arbiters of the number of hours that women should work. This was the cause of the present great strike in Leicester, where the men refused to allow women to be introduced into the factories. The delegates at a recent meeting of the Agricultural Labourers' Union had refused to admit women as members because they would not recognize the labour of women in agriculture. No doubt the women were better at home with their families; but, as he had said on a previous occasion, there was something worse than work, and that was want. How were these women to live if the men would not recognize their right to work? He was told that in opposing this Bill he was talking anachronisms—that the Legislature had singled out women 30 years ago, and that he could not throw back

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time. But the working man was not then enfranchised, and popular education stood in a wholly different position. He entreated the Committee again to remember that there was not one fact to warrant the belief that this Bill could be regarded as a settlement of the question. He would be the last man to do anything antagonistic to the interests of the working classes; but he thought he was doing them a not unimportant service when, neither flattering nor encouraging their prejudices, he resisted without fear or hesitation a measure which he regarded as injurious to the prosperity and the interests of the country.

Amendment proposed, in page 1, line 17, to leave out the words "or woman."—(*Mr. Fawcett.*)

Question proposed, "That the words 'or woman' stand part of the Clause."

Mr. MUNDELLA said, that it would be unnecessary for him to reply at any length to his hon. Friend who had just sat down, because he had only repeated what he said on the second reading, and what the House had listened to on many previous occasions. His hon. Friend had asked—Why not omit the word "women" from the Bill? He would again reply that if the hon. Member had any practical acquaintance with the subject he would not ask such a question. The result would be to control the large employer in all his operations, while the small employer, who had perhaps only one weaving shed, would engage married women and keep them at work at all hours of the night. For himself, he would be no party to excluding women from the benefit of that legislation which his hon. Friend had promoted. The Factory Inspectors for the City of London stated in their last Report that no such blessing had been conferred upon women as the extension of these Acts to the trades in the City. But it was said they had enfranchised this class. What class had they enfranchised? His hon. Friend spoke on behalf of a very small number of ladies, who were well-meaning, but who had not accurate knowledge upon the subject. They had issued a pamphlet which was circulated among Members that morning, and what did they say about the enfranchisement of women? They said—

"We venture to point to the inconsistency and cruelty of English law with regard to

married women being mothers. First, the law makes a married woman the personal slave of her husband, who has the legal right to compel her to bear children to him against her will."

He (Mr. Mundella) would not go through the whole summary, but they concluded—and he would not add one word of comment—

"Your Committee believe that the direct effect of this Bill will be to take away the penalty of marriage"—

the penalty being to keep women out of the mill for six weeks after their delivery—

"and to teach women to prefer the greater freedom of the unmarried mother."

What did his hon. Friend mean when he spoke of the enfranchised classes and the power of women to decide this question for themselves as free agents when the very parties on whose behalf he had spoken said that the law made a married woman the personal slave of her husband? They should take either one line or the other. Either women were free agents or they were the slaves of their husbands, and the House ought to protect them. He had not said he would not accept a compromise; what occurred was this—he had been asked by the manufacturers last year in the Lobby to persuade the workmen to accept a 56 hours' Bill; but the employers rejected it, when he said he would never make a compromise with them again, and he kept his word. But when the Government brought in this Bill he recommended the workmen to accept it as a compromise. The men went to their factories; they held delegate meetings, and resolved that they would only accept it as an instalment. His answer was he would have nothing to do with an instalment—it must either be a settlement or nothing. The men went back to their factories, held other delegate meetings, and rescinded their former resolution. This was before the second reading of the Bill. Meetings were held all over the country—some even in Belfast—when the working men unanimously approved and accepted the Bill of the Government. He therefore hoped his hon. Friend would not further obstruct the progress of the Bill in Committee. The hon. Member professed to be the advocate of the working classes; but he took every opportunity of giving them a slap in the face. His hon. Friend said he objected to interference with adult la-

bour. Where was his hon. Friend when the hon. Baronet the Member for Maidstone (Sir John Lubbock) proposed to give five Bank holidays, where no women and children were concerned? Was that no interference with adult labour? And why did not the hon. Member propose to undo the Workshops Act, which had conferred so much good on the country?

MR. FAWCETT said, he would only make one remark. He was not acting on behalf of any party. He knew nothing whatever of the pamphlet which had been referred to, and did not know a line of it. He believed it referred to an entirely different subject—namely, the Amendment proposed by the hon. Member for Salisbury (Dr. Lush) as to the working of women soon after their confinement. The argument with regard to the Bank holidays did not apply; it was necessary to pass that Act in consequence of certain commercial engagements.

Question put.

The Committee divided:—Ayes 242; Noes 59; Majority 183.

Clause 4 (Hours of employment of children, young persons, and women in factory where period from 6 a.m. to 7 p.m.)

VISCOUNT CRICHTON (for Mr. MULHOLLAND) moved the insertion, in page 2, line 1, after the word "factory," of the words "in Great Britain," with the view of excluding Ireland from the operation of the Bill.

Amendment proposed, in page 2, line 1, after the word "factory," to insert the words "in Great Britain."—(Mr. Mulholland.)

Question proposed, "That the words 'in Great Britain' be there inserted."

MR. TENNANT, as an English manufacturer, thought the only fair course to pursue was to place both countries on the same footing, so that all industries might have an equal chance.

MR. MITCHELL HENRY said, it was all very well to talk about an equal chance, but Ireland had no wish to be made the subject of such legislation as was proposed. He hoped every Irish Member would feel it due to his country to vote with his own people, and not with those who found it profitable to

come to England to find employment for their capital.

MR. MULHOLLAND said, not a single reason had been given nor cause assigned why there should be any interference with the hours of work in Ireland. In the whole of the Report to which the hon. Member for Sheffield (Mr. Mundella) had alluded, there was not a single reference as regarded Ireland to too prolonged hours of work. In England flax-spinning was so small an industry that it appeared a very insufficient reason to say that, because England was dealt with in the Bill, Ireland should be also included. And the flax trade in Scotland was very much confined to the coarser kinds. Under these circumstances, a very fair case had been made out for adhering in Ireland to the present hours.

MR. O'CONNOR POWER, as an Irish Member, had voted against the Amendment of the hon. Member for Hackney (Mr. Fawcett) a few days ago, and in the division which had just been taken he had also voted with the Government. If the Irish Members pressed this Amendment, he should feel it his duty to vote against them. It had been said that the working people in Ireland had not made any objections to the hours, but the reason was because they had not the same combinations among them as prevailed in this country. The same arguments which were used against applying this legislation to Ireland had been used by English manufacturers of the United Kingdom. Belfast, which was the principal manufacturing town in Ireland, was like any English manufacturing town, and the same evils were attendant upon the long hours of work by women in both cases.

MR. W. JOHNSTON said, that as representing the most important manufacturing town in Ireland (Belfast), and in the interests of the working classes, he would oppose the Amendment.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) said, the Committee would have an opportunity, from what they had heard, of appreciating the unanimity of Irish opinion. The hon. Member for Galway (Mr. Mitchell Henry) always spoke as if he and those who agreed with him, alone represented Irish opinion. But if there was any one who did represent Irish opinion on this

subject, it was the hon. Member who had last spoken. That hon. Gentleman was the representative of the head and centre of the linen manufacture of Ireland, and if anybody was entitled to speak for the operatives of Belfast, it was that hon. Member, who in an especial manner represented them. It was idle, in the face of what the hon. Member for Belfast had said, for Irish Members opposite to claim that they represented Irish opinion on this subject. He protested against exceptional legislation in this matter for the benefit of Irish manufacturers, and against sacrificing the interests of the people generally to those of the great capitalists. He believed the Bill was as much needed in Ireland as in England.

MR. M'LAREN said, that an hon. Member opposite (Mr. Mulholland), in arguing the merits of this Amendment, used this argument—that it could not possibly affect the manufacturers in Scotland, seeing that there were no manufacturers in Scotland of the same fine textures as those that were produced in Ireland. Now, he begged to say that the hon. Member had been misinformed in that respect, because there were several large works in Scotland in which fine linens, damask, and other kinds of fine linens were made, not nearly to the same extent as in Ireland, he admitted, but still there was a large and important trade in the same class of goods; and it would be most unjust, he thought, to make any distinction between the Three Kingdoms in this matter. He was willing to extend to his Irish friends every political and other privilege which they had not now, and which the people in Scotland and England enjoyed; but he thought it would ill become that House to establish a new principle in favour of Ireland which was not enjoyed in the other two Kingdoms, and which, moreover, was a very questionable privilege. It might benefit a few manufacturers in Ireland, but it certainly would not benefit the mass of the working people.

MR. MITCHELL HENRY explained that what he had stated was that 72 Irish Members, representing both sides of the House, had made representations to the Home Secretary on this subject. They were unanimous in their representations, and it was only at the eleventh hour that two hon. Members from Ire-

Mr. Mitchell Henry

land dissented. He submitted that the voice of two-thirds of the Irish Representatives ought to be heard in this discussion. He protested against the Attorney General for Ireland coming down and replying in a rhetorical speech such as he always made in this House to statements in the course of a discussion which the right hon. and learned Gentleman had not heard at all.

Question put.

The Committee *divided*:—Ayes 48; Noes 155: Majority 107.

MR. ANDERSON moved an Amendment the effect of which was to cut off the extra half-hour for cleaning purposes on Saturdays. He remarked that if there was one point on which the Bill gave dissatisfaction it was this extra half-hour, the effect of which would be to make the working classes work for 56½ hours per week.

Amendment proposed, in line 15, to leave out the words "in any manufacturing process."—(*Mr. Anderson.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. ASSHETON CROSS said, the work was not the same as that on which the operatives were usually employed, and consequently the continuous strain complained of was done away with. The matter was one on which he felt very strongly, and one on which he should ask the opinion of the Committee, with a view to maintain the clause.

MR. W. E. FORSTER was afraid that this half-hour on Saturdays would cause great inconvenience in the working of the Bill. As a manufacturer himself, he would rather be without it than with it.

MR. HERMON said, that on the second reading of the Bill he endeavoured to get the half-hour struck off on Saturday afternoon. Five days in the week they had 10 hours a day, and on Saturday six hours, making 56 hours in the six days. He had an Amendment on the Paper which coincided much with that of his hon. Friend; and it would be well if they would make a little sacrifice on their part, and give rather than retain the half-hour. If it was not granted, it would cause an unsettlement

and heart-burning among the working men, which he believed the right hon. Gentleman the Home Secretary was anxious to avoid.

MR. R. SHAW regretted that the Home Secretary could not see his way to follow the advice of those hon. Members who represented manufacturing constituencies, and were familiar with the views of those persons most interested in the question. If the extra half-hour on Saturday were taken the Bill could not be looked upon as a settlement of the question. As the Bill now stood the operatives would be kept at the mill until 1 o'clock on Saturdays, and by the time they got home, had their dinner and got cleaned, they would find that the half holiday had practically vanished. There would be no difficulty in closing earlier, because in many of the principal districts in Yorkshire the masters had agreed to close at 12 o'clock.

MR. WHITWELL said, he thought it would be well to retain the half-hour for cleaning on Saturday in order to avoid accidents, as it was a dangerous practice to clean machinery which was in running order.

MR. RIPLEY was anxious that the week's work should be fixed at 56 hours, and as the half-hour for cleaning on Saturdays would, in most cases, become a dead letter if left in the Bill, he saw no sufficient reason why it should not be omitted.

MR. TENNANT said, he hoped the Home Secretary would adhere to the hours fixed in the Bill in justice to those employers of labour who had given their support to the measure on the strength of the hours proposed by the Government.

MR. BAXTER, speaking as an employer, repudiated the notion that was entertained by some hon. Members to the effect that this half-hour was the result of an arrangement between the masters and the Government. He most cordially supported the Amendment. The operatives in his part of the country strongly supported the Bill, but they were unanimous in their opposition to this half-hour. But he had not limited his inquiries to the operatives. He had communicated as far as possible with masters in the North, and he had not received a single opinion in favour of this half-hour. On the contrary, the

great majority told him they did not care a straw about it, while some said they were as strongly opposed to it as the operatives. He hoped the Home Secretary would re-consider his decision.

MR. MUNDELLA also denied the existence of a compact between the Government and the masters. The employers on the other hand believed—and he might quote the letter of Mr. Hugh Mason in *The Times* in support of his view—that to retain the Saturday half-hour for cleaning would be to mar the grace of the concession made by the Bill.

MR. MACDONALD joined in urging the Home Secretary to re-consider his determination in regard to the extra half-hour for cleaning. Since the second reading of the Bill, he had been consulted by a large number of the working people interested in that subject, and found that they looked upon that measure as a satisfactory settlement of the question for a long time to come; but, in their opinion, this half-hour proposition was a frivolous one, which it was desirable should be excised from the Bill. At present, the most generous employers closed at 12 on Saturday, and others should not be given an advantage over them.

MR. FIELDEN appealed to the right hon. Gentleman not to insist on that half-hour. The large employers would not avail themselves of it, and only those small employers who extracted all they could out of their work-people would take advantage of it.

MR. W. JOHNSON likewise supported the Amendment.

MR. MELLOR said, he thought that by adhering to that half-hour the Home Secretary would run the risk of re-opening the whole question, and then they might have the workpeople again demanding 54 hours a-week instead of 56.

MR. BECKETT-DENISON said, he hoped that the right hon. Gentleman would not give way on that point, because those who wished him to do so were evidently in favour of 54 hours a week, instead of 56; and if he yielded as to that half-hour on Saturday, he would soon be pressed to give the 54 hours also.

MR. FAWCETT said, he could not congratulate the Home Secretary on the

stability of the compromise come to on that vexed question. It had lasted exactly three-quarters of an hour. On the one hand they were told by manufacturers of experience that if the Home Secretary did not stand by the 56½ hours the Bill would be made 55½ hours; while, on the other hand, they were told by representatives of the working classes that if the right hon. Gentleman did not give way, the working men would not be satisfied. Compromises of that kind could not in the nature of things endure; and the right hon. Gentleman was in a position of difficulty. Why could not the working men of Lancashire and Yorkshire be left to decide for themselves what the length of their Saturday half-holiday should be, instead of being treated like a set of school children?

MR. ASSHETON CROSS said, he did not feel any difficulty whatever in the matter. They had reduced the working hours from 10½ to 10 on five days of the week to lessen the strain of monotonous labour on the brain and system of the workpeople, because the last half-hour's work was found to be a bad half-hour's work, and it also caused quarrels between the masters and the men. The same reason for shortening the hours on Saturday did not exist; but, nevertheless, the Bill would fix 1 o'clock as the hour of closing on that day instead of 2. Though many employers on both sides of the House now asked him to give way on the half-hour for cleaning, he must say he had not come to his conclusion without the most serious consideration of the matter after receiving representations from both the employers and the employed. The employers of labour had expressed an almost unanimous feeling on this point; and he had understood the right hon. Member for Bradford (Mr. W. E. Forster) to have accepted the proposal of the Bill rather more fully than he had done, but he might have been mistaken. If there was a full understanding that this measure went as far as was possible with due regard to sanitary considerations, he was convinced from his acquaintance with working men that they would not decline to have anything to do with the Bill. It was not in the nature of working men to act in that manner when they saw that something had been done for their advantage, and he be-

Mr. Baxter

lieved they would accept the Bill if it passed as it was now drawn.

MR. ANDERSON said, he was not aware of any bargain. He was alluding to an earlier period when the hon. Member for Sheffield (Mr. Mundella) introduced his 54 hours' Bill, and to the difficulty there had been in inducing the working classes to accept 56 hours. There could be no mistake as to the right hon. Gentleman's intentions. As to the unanimity of the employers, the discussion must have convinced the right hon. Gentleman that he was mistaken.

Question put.

The Committee *divided*:—Ayes 105; Noes 57: Majority 48.

MR. TENNANT moved, in page 2, line 15, to leave out "half an hour," and insert "one o'clock in the."

MR. ASSHETON CROSS said, one of the strong arguments against the extra half-hour for cleaning had been that it would interfere with the half-holiday on Saturday, and prevent persons who worked in mills going out into the country. As the Committee had practically passed the half-hour by the last division, to add half-an-hour for breakfast or for any other purpose would now practically shorten the half-holiday; and as the Amendment would do that he must resist it.

MR. BAXTER said, that both operatives and masters in Scotland were desirous of continuing to allow a full hour for breakfast, and that could not be done if the clause was not amended.

MR. TENNANT pointed out that under the clause employers might arrange for work to commence at 7 and extend until 2 o'clock on Saturdays.

MR. ANDERSON saw no objection to permitting the men to work half-an-hour later when they preferred an hour for breakfast.

MR. MUNDELLA opposed the Amendment, but thought there might be something to say in favour of that of the right hon. Member for Montrose (Mr. Baxter) on the same subject.

Amendment *negatived*.

MR. BAXTER moved, line 17, to add—

"Unless in factories where one hour is allowed for breakfast on Saturdays, in which case the children, young persons or women may be employed in manufacturing process until one o'clock in the afternoon."

The right hon. Gentleman repeated his previous observations in support of the Amendment—namely, that in Scotland the working persons in factories in that country were desirous of having the hour for breakfast continued to them. Now, if the Bill passed in its present form that privilege would be taken from them. As he had said before the employers were opposed to this privilege being taken away from them.

MR. ASSHETON CROSS said, that the simple question was this—would not the Amendment, if agreed to, interfere with and shorten the half-holiday enjoyed by the workmen in factories on the Saturday.

MR. MUNDELLA said, that as far as Scotland was concerned it was quite clear that the proposal of the right hon. Gentleman (Mr. Baxter) was one that would be most acceptable to the working classes in that country, for the reasons stated by the right hon. Gentleman.

MR. ASSHETON CROSS said, that he had no feeling on the subject. He would consult with his right hon. Friend respecting his proposal before bringing up the Report, with a view of coming to some agreement respecting it.

Amendment, by leave, *withdrawn*.

MR. ASSHETON moved, in page 2, after line 17, to insert—

"(5.) A woman or young person shall not be employed within the period of 12 months after the birth of her child."

[*A laugh.*] It was not in jest, but in all seriousness, that he made this Motion, and he made it not so much in the interest of the mothers as in the interest of the children. He wished, as far as possible, to discourage the employment of the mothers of infants. If some such Amendment was not made, the children would practically be left motherless during their working hours. It might be asked, how were the children to be maintained if their mothers were not to be employed in the factories? and he admitted that there might be some few cases of hardship, but there were individual cases of hardship under every Act, and these ought not to prevent Parliament from doing what was just and right, and conducive to the general good. If the mother was at work she must have somebody else to take care of her child, which could never be so well done as by herself; and as for the chil-

dren starving if the mothers did not go to work, why, the Reports of the Inspectors as to the condition of the children in districts where the mothers did not go out to work showed that they were better fed, better grown, and healthier than they were elsewhere.

COLONEL EGERTON LEIGH said, he had many reasons for objecting to the Amendment. In the first, place, he did not see what was the difference between women and young persons. It was making two sexes out of one. His experience of babies was that the first 12 months of their existence was the very time they could best do without their mothers, for it was not until they began to walk about that they fell into the fire and ran into other dangers. Besides, he thought it a bad thing for women to be absent from active employment. In the country districts they had gardens and other means of employing their time, which they were without in factory towns, so that if they were kept from the factories they were, in order to kill time, likely to take to drink. The hon. Gentleman's proposal was benevolent in theory, but bad in practice. They all knew that while the grass grew the steed starved, and so during this year of enforced idleness the woman would be without the money which she required to maintain her family, and thus the child would suffer greater harm than it possibly could from the mother being employed. Besides, there were in every factory town a number of old women—old hens he would call them—who took care of other people's chickens, and did that duty well.

MR. ASSHETON CROSS said, he could not adopt the Amendment. He had no doubt of the excellent and most humane feeling which dictated it, but he was afraid the Amendment would be found utterly impracticable. If women were kept from the factory for 12 months after giving birth to a child they would practically cease to be factory workers altogether. He was afraid it would also tend to other social evils, such as concealment of birth, and even worse crimes.

Amendment negatived.

Clause 4 *ordered* to stand part of the Bill.

Clauses 5 to 9, inclusive, *agreed to.*

Mr. Assheton

Clause 10 (Saving as to recovery of lost time).

MR. ANDERSON said, under the 33rd clause it was quite possible for owners of water-power mills to always work their hands an hour extra; but the 34th clause was even more objectionable, for it enacted that if through flood or drought, a water-power mill was stopped during a day, the owner might work women or young persons the whole of that night to make up for the lost time. He thought that the exemption of the owners of water-power mills should be put an end to, unless some strong ground could be shown for continuing it. No strong ground could be shown. The ground alleged was that water-power mills were more liable to stoppage than steam mills; whereas the latter were more liable to stoppage from causes over which the owners had no control than water-power mills. He moved, as an Amendment, in page 4, line 13, to leave out the word "not," and insert "entirely," the effect of which would be to prevent the employment of women and young persons in the water-power mills extra hours.

MR. ASSHETON CROSS said, the Amendment was one which was not open to the objections which would have been made when the earlier Factory Acts were passed, and when there was an essential difference between mills driven by water-power and by steam. Now most mills using water-power had steam machinery to make up any time that might be lost by defective water supply. He had the opportunity of consulting Inspectors of Factories and others well able to state the facts, and from their representations he was inclined to think the Amendment would lead to still more general evasion of the Act than now existed. The time had, in his opinion, come, when it might be fairly considered whether this exemption should be continued. Under the circumstances, he would consent to the omission of the clause in order to consider whether on the bringing up of the Report a new clause might not be inserted to meet the view of the hon. Member.

MR. ANDERSON: Rather than adopt my Amendment, you will strike out the clause? [Mr. Assheton Cross: Yes.] I am quite agreeable.

Clause struck out.

Clause 11 *agreed to*.

Clause 12 *struck out*.

Clause 13 (Extension of age of child, to 14 unless educational certificate obtained.)

MR. RAMSAY said, since he had come into that House he had lost his confidence in the Committee of Privy Council on Education, and he considered that the Board of Education in Scotland was much better fitted to be the authority on the education of factory children in Scotland. He would therefore move, as an Amendment, to leave out the words—

"The Lords of any Committee of the Privy Council appointed by Her Majesty on education in Scotland," and to insert the words "Board of Education in Scotland."

He was quite aware that the Board of Education in Scotland, as at present constituted, would come to an end in October of next year; but from his experience in the administration of that Act, he was convinced of the necessity of continuing that Board, and that it would be continued, although it might consist of different persons.

MR. BAXTER said, he should be very sorry to do anything to perpetuate the Board of Education in Scotland. They had far too many Boards in Edinburgh, and he hoped that many of them would be abolished. If the Amendment were adopted, it would have a tendency to perpetuate this Board.

MR. ASSHETON CROSS quite agreed in what had fallen from his right hon. Friend. He was sure the Committee would not delegate those powers to a mere temporary Board.

Amendment *negatived*.

Clause *agreed to*.

Clause 14 (Employment of children under nine or ten in factories.)

MR. RIPLEY moved an Amendment with the object of permitting the employment of children at the age of nine, instead of prohibiting it till the age of ten. He observed that in and around Bradford 40 per cent of the children employed in factories were under the age of 10; and to make 10 the age at which half-timers should commence would be a serious matter both to employers and the parents of the children so employed. He trusted that before long there would be a Select Committee appointed to consider the operation of the Factory and Workshops Acts generally, and that in

the meantime no step would be taken in the matter to which his Amendment related.

LORD FREDERICK CAVENDISH said, he understood that the object of the Home Secretary in fixing the age at 10 was not so much to guard the health of the children as to promote their education, and he suggested that the desired end might be gained by providing that a child might be employed at the age of nine, if he had a certificate showing that he had passed the Second—or it might be Third—Standard under the Revised Code.

MR. BECKETT-DENISON believed that both masters and parents were in favour of the age being fixed at nine; but he agreed with the last speaker in thinking that there ought to be an educational test.

MR. MUNDELLA said, the Home Secretary had shown so much firmness and resolution in his defence of all the clauses of the Bill up to this time, that he hoped he would show the same firmness in supporting the remaining clauses. It was because 40 per cent of the children employed were under 10 years of age, that he insisted they should not commence work at a less age than 10. It was no credit to England that the children were worked two years earlier than in any other regulated country in Europe. This was the most important clause in the Bill, and if he was alone he would divide against beginning at a lower age than 10. It was hardly creditable to hon. Members on that side of the House to be talking of a retrograde step like that proposed by the hon. Member for Bradford (Mr. Ripley). With reference to the suggestion of the noble Lord (Lord Frederick Cavendish), he should approve still more strongly of requiring children to pass a given Standard before they entered a mill at all.

VISCOUNT SANDON said, the action of school boards was a new feature in the whole case. In most large towns compulsory bye-laws had been adopted, and they had unanimously determined that the children should be kept at school till the age of 10. He, for one, could not speak too strongly upon this point, though if it were proposed to fix the age of 10 at once, he should protest against the suddenness of the change. The whole current of our legislation, as illustrated by the Mines' Regulation Act,

and indicated by the Agricultural Children's Act, was to prevent children working before they were 10; and, as in this case a year was allowed, the proposal ought to be adhered to.

MR. W. E. FORSTER said, he hoped the right hon. Gentleman would adhere to the clause. He entirely agreed with the noble Lord who had just spoken, and although the peculiar circumstances of Bradford might make it advisable to fix the limit at nine years, the circumstances of Bradford were not the circumstances of the manufacturing towns generally. It appeared to him a most important principle to establish that they should look forward to 10 years as the age under which children should not be allowed to go to work. In most places to which this clause would apply there were school boards enforcing compulsion up to the age of 10; where there were not, the indirect effect of this clause by itself might be injurious; and therefore it would furnish a strong argument for universal compulsion. There was now a strong temptation to parents to leave the education of their children alone until they entered a mill; especially was this the case with children coming to the towns from the surrounding villages; and if Parliament said no child should work until it was 10, Parliament ought also to say that the child which was not at work must be at school. This clause was a step in the right direction; and he hoped the Government would abide by it.

MR. ASSHETON CROSS said, he should never have inserted such a clause as this in the Bill unless he had given the matter the fullest consideration, so that, unless extreme grounds were shown for taking a contrary course, he would stick to it; and, certainly, nothing which had been said had changed his opinion as to the wisdom of the second half of the clause, fixing the age of 10 after next year. The operation of the Education Act would make such a serious difference that they need not be afraid of any evil consequences. He was quite aware of the necessity for keeping children at school where compulsion was not in force. He admitted that there was something in the trade of Bradford by which it came about that they employed more children under 10 than any other town. In Oldham they were 10 per cent; in Leeds, 15 per cent; in Notting-

ham, 9 per cent; but, in Bradford, 40 per cent. He could only hope that, when the time came to abolish this state of things, they would still find children enough for their manufactures. He thought this restriction would, in the long run, be found not only beneficial to the children, but to parents, who would find the assistance they derived from the educated labour of their offspring far more valuable if they spared their tender youth.

MR. FAWCETT expressed his obligations to the Home Secretary and the Government for standing firm by this clause, which would be fruitful in blessings to children and parents, not only in the factory districts, but also in other parts of the country, by the precedent it would establish.

MR. CROSSLEY supported the Amendment, on the ground that it was the opinion not only of manufacturers, but of the parents of the children, that they might safely go to work at 9 years of age.

MR. FIELDEN questioned the policy of going beyond 9, and if the hon. Member for Bradford (Mr. Ripley) would go to a division he would support the Amendment.

MR. RAMSAY said, he was glad to hear the Government were determined to stick to the age of 10, and he was astonished to find so many hon. Members expressing an opinion in favour of children under 9 being employed. He supposed they were personally acquainted, as he was, with the working classes who desired that children under 9 should work, and what was their object? Nothing else than to receive money which they did not always spend wisely. He thought it was the duty of the House to protect children against any such abuse, and he looked forward to the time—and he hoped it would come soon—when no children under 12 should be allowed to earn wages unless they could pass the Sixth educational Standard.

MR. RIPLEY said, he would withdraw the Amendment.

LORD FREDERICK CAVENDISH said, it was quite clear this provision was proposed solely on educational grounds, and he was quite confident the Government would next year come to Parliament and ask to raise the age in the agricultural districts from 8 to 10.

MR. PELL said, that children under 10 years were very seldom employed in agriculture, and when they were it was with no profit to the employers, and less to the parents. If it could be shown that legislation ought to be resorted to in order to check that employment, the landlord interest would be only too ready to promote it.

Amendment, by leave, *withdrawn*.

MR. ASSHETON CROSS moved in page 6, line 7, at end of clause add, as a separate paragraph:—

"Provided that any child who previously to the commencement of the year one thousand eight hundred and seventy five, is lawfully employed in any such factory as a child under the age of nine years, and any child who previously to the commencement of the year one thousand eight hundred and seventy six, is lawfully employed in any factory as a child under the age of 10 years, may continue to be employed in such factory in like manner as if this section had not been enacted."

Amendment *agreed to*.

Clause, as amended, added to the Bill.

Clause 15 (Employment of children in silk works).

MR. WILBRAHAM - EGERTON moved in page 6, line 17, after "twelve," leave out "and under the age of thirteen." Line 19, after "silk," leave out "during two years." Line 21, at end of Clause, insert—

"subject to such child having obtained an educational certificate as required in Clause 13 for a person of the age of thirteen and under the age of fourteen years."

MR. EVELYN ASHLEY said, he hoped the right hon. Gentleman would not accede to the Amendment. The Workshops Act did not permit any such exemption to be made, and as the great object of the House was to assimilate the Factory Acts to the Workshops Act, there was every reason why they should not sanction this proposal. He never understood why this younger age for full-timers was originally allowed to silk mills, as the evidence taken before the Commission which preceded the earlier Acts showed that there were then more cripples in Macclesfield than in any other town of equal size. He would call the attention of the Committee to the state of the trade in the town of Leek. The industry of that town was entirely silk. In 1860 the Leek Improvement Act, which adopted all the provisions of the Workshops Act, was

passed. Between 1850 and 1860 the average life of males in Leek was 23 years, and of females 25 years; but when the Improvement Act was in force the average life of males was raised to 29 years, and of females to 36 years. He felt that he ought to give his authority for that statement especially as he had not had time to verify it from official documents. It was contained in a work on our industrial classes by the Comte de Paris, and could be found in the Library of the House. The adoption of this Amendment would injuriously affect the position of the children, who required protection on sanitary grounds.

MR. STAVELEY HILL, speaking from a long experience of the silk trade, said, the employment in which these children were engaged had no more labour in it than that of a child holding a skein for its mother. Their occupation was as healthy as any occupation could possibly be. Having lived for 50 years in Staffordshire, and being well acquainted with the town of Leek, he thought his knowledge was quite as worthy of acceptance as that of the Comte de Paris, and he must say that so long as the education of the children was not interfered with by their occupation, there was no ground to fear there would be any sanitary deterioration in their condition. There was much in the Amendment to recommend it to the favourable consideration of the Home Secretary.

MR. M. T. BASS had been assured that the women connected with the silk trade were as much opposed to the clause as the manufacturers, and that if it were passed as it stood there would be some danger of an insurrection among them.

MR. BROCKLEHURST said, that in the year 1833, when the Factory Act was first proposed, certain concessions and exemptions were granted to the silk trade in consequence of representations made to the Government as to its peculiar adaptability for the employment of young children and women, and the desirability of giving it encouragement. That trade had flourished for 40 years under these exemptions. Employers and employed were convinced that the time at which young persons should be allowed to commence this work should be 10 years of age, and it was due to the right hon. Gentleman the Home Secre-

tary to say that they considered this a most beneficial Bill. There were at present about 6,350 persons in the silk trade in Macclesfield. Of these 1,248 between the ages of 11 and 14 would, under this Bill, be reduced to half-timers, and a certain number would be thrown out of employment. He should be satisfied if children were allowed to commence work as half-timers at 10.

MR. ASSHETON CROSS said, he did not see why the children of the particular trade referred to should be placed upon a different footing from the children employed in any other trade. The House of Commons had, he thought, resolved to make a new start in the matter of education, and he did not know why there should be an exemption in respect of the children who were engaged in the silk trade. Statistics showed that in that trade the tendency was to employ older hands.

SIR HENRY JAMES observed, that if the clause were passed, children engaged in the silk trade would, as he had been informed, be driven from factories which were well ventilated into small rooms, to earn, perhaps, a little more money, in the glove or some other trade.

MR. MUNDELLA observed that France, Switzerland, and Germany, competed with this country in the silk manufacture, and in those countries a change had taken place in their legislation, the result of which was that their children were entering the factories as half-timers, while here they were entering as full-timers. The Inspectors at Congleton showed forcibly the educational results of the system. He stated that last year only 379 children were presented in any standards at all, and of these only four were in the Sixth Standard. Out of 2,000 children, only 61 were presented above the Third Standard. That, he said, was the consequence of allowing children to enter as half-timers at 8, and as full-timers at 11. He hoped they would not disgrace themselves in the eyes of Europe by such legislation.

MR. ANDERSON opposed the Amendment. He thought it desirable that all factory children should be placed upon the same footing as regarded education.

MR. WILBRAHAM - EGERTON stated that after what had fallen from the Home Secretary he felt it would be useless to press his Amendment.

Amendment, by leave, *withdrawn*.

Mr. Brocklehurst

MR. ASSHETON CROSS moved, in page 6, line 21, at end of clause, to insert—

"And (3), any child who immediately preceding the expiration of two years after the commencement of this Act is lawfully employed in the winding and throwing of raw silk as if he were a young person, may continue to be so employed in like manner as if this section had not been enacted."

Amendment *agreed to*.

Clause, as amended, ordered to stand part of the Bill.

Clauses 16 to 21, inclusive, *agreed to*.

MR. FIELDEN moved, after Clause 15, to insert the following clause—

(Women not to work in factories within four weeks after the birth of a child.)

"No woman or young person shall work in any factory within four weeks after the birth of her child, and not then until she has obtained from a duly qualified medical practitioner a certificate of her fitness to return to her work; and any occupier of a factory employing any woman or young person without the production of such certificate shall be liable to a penalty not exceeding five pounds."

MR. HOPWOOD said, that the clause would interfere with the woman's right to judge what was best for herself and her child. If the House was to legislate on a matter of this kind, they ought to look also to the women of the higher and middle classes, many of whom neglected the duties that they owed to their offspring.

SIR FRANCIS GOLDSMID said, the clause would be entirely unworkable, because it would be impossible for a manufacturer to know whether a woman in his employment had given birth to a child within a month.

MR. ASSHETON CROSS said, the mover of the clause had thrown upon him the onus of discovering the whole machinery by which it should be carried out. That was imposing on him rather a formidable task, and he could not undertake to perform it. The question was surrounded with innumerable difficulties. It would be a new thing to impose a penalty on the woman herself, and he did not see how they could punish an employer, when it would be impossible for him to know whether a woman had been recently delivered of a child. Apart from the question of machinery, there were social reasons why they ought not to pass such a clause. They were treading on dangerous ground, and he hoped, therefore, that the Committee would reject the clause.

MR. LUSH said, he had an Amendment to the same effect on the Paper, founded on the principle that the period of the birth of a child was one of great danger, and that unnecessary risks at that time should not be encountered by mothers of families, both for their own sakes and in the interests of their infants. Something should be done to protect those who could not protect themselves. Statistics showed that whereas the ordinary average of infant mortality was 15 in the 100, it increased under the baby farming and dry-nursing of the factory districts to 60 and 70 per cent. What he suggested was, that a moderate fine should be inflicted on any woman who went to work in a factory immediately after child-bearing.

MR. STANSFELD said, he was very glad to hear what had been said by the Home Secretary, that it would be impossible to enforce such a clause. What they had to consider in making laws was not only to prevent an evil, but to see that they could be carried into execution. His hon. Friend objected to the woman being subject to the penalty, and submitted that that should fall upon the employer. That would be a great hardship. He could not conceive any species of legislation that was more open to objection than that of his hon. Friend. They should leave the question of employment of women in such cases to their own instincts, and he hoped the right hon. Gentleman the Home Secretary would stand firm and resist the clause.

MR. W. S. STANHOPE also hoped the Home Secretary would not accept the clause.

SIR JOHN LUBBOCK did not think there could be any great difficulty in enforcing the clause, and the medical certificate would, in his opinion, simplify the matter very much.

COLONEL MURE wondered what would be thought by tyrannical and bad husbands when they read the reports of these proceedings, and found that the too early return of mothers to work was a matter which the Legislature was either unable or unwilling to deal with. Difficulties had been referred to, but he reminded the Committee that the registration of births would soon be made compulsory, and then he thought it would be possible, by means of co-ope-

ration between the Registrar, the certificated surgeon, and the employer, to arrive at some solution of the question. He hoped the matter would not be altogether dropped, and that, at all events, it would be considered by the Committee which the Home Secretary had said was to make further inquiries into the labour question next year.

MR. TENNANT also trusted that the Committee would solve the difficulty, and intimated that he would not press the clause to a division.

Clause *negatived*.

SIR WILFRID LAWSON moved, before Clause 23, to insert the following clauses—

(Notice in writing to be given by Inspector before operation of Act.)

"None of the clauses of this Act, excepting the thirteenth, fourteenth, and fifteenth, shall affect any of the factories in the last section mentioned, unless an Inspector shall give notice in writing to the owner or owners of such factory, by leaving such notice at the said factory, that the provisions of the Factory Acts 1833 to 1856 are in his opinion insufficient to ensure the health of the women, young persons, or children employed in such factory: and from and after the date mentioned in such notice (such date to be not less than one month after the giving thereof) the provisions of this Act shall come into operation in such factory, and such notice shall specify the reason or reasons on account of which the Inspector giving the same considers it necessary to enforce the provisions of this Act, and shall continue in force until revoked by the Inspector or by the Home Secretary in manner hereinafter mentioned.

(Revocation of notice from Inspector.)

"It shall be lawful for the Home Secretary, upon application from the owner or owners of any factory to whom such notice as in the last preceding section mentioned shall have been given, and on due cause being shown for the revocation of such notice to revoke the same accordingly."

MR. ASSHETON CROSS said, he hoped the clause would not be pressed, as it would be inconsistent with the working of the Act.

Clause, by leave, *withdrawn*.

Schedule *agreed to*.

On Question, "That the Preamble be agreed to,"

MR. ASSHETON CROSS tendered his thanks to Members on both sides of the House for the valuable assistance given to him in passing the Bill through Committee. His acknowledgments were especially due to the hon. Member for Sheffield (Mr. Mundella) for withdrawing his own Bill in favour of the present

measure, and for the help he had afforded.

Preamble agreed to.

Bill reported, as amended, to be considered upon *Thursday*.

INTOXICATING LIQUORS (IRELAND)

(No. 2) BILL—[BILL 114.]

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.*)

COMMITTEE.

Order for Committee read.

Bill considered in Committee.

(In the Committee.)

Clause 11 (Power to Lord Lieutenant and Privy Council to fix times for grant of certificates).

MR. SULLIVAN moved, in page 6, after line 2, to insert a new sub-section preceding present sub-section 1. The hon. Gentleman said, his reasons for proposing this clause were that there were certain towns and boroughs in Ireland in which the licensing authority was vested solely in the recorder, without allowing the justices the slightest authority in the matter. There was not, he ventured to say, in all Britain a justice placed in such a position as the justices in Ireland were placed in this respect, and if they were gentlemen of such intelligence, character, and position as to be entitled to sit on the magisterial bench, they certainly ought to have a voice in the granting of these licences in their respective localities. Some gentlemen from Ireland had suggested to him that he should not restrict the number of justices to five, and he was, personally, willing to adopt that suggestion. He believed that in England the whole of the justices were entitled to attend the Licensing Courts, and he saw no reason why they should not do so in Ireland. This was not a party question in any shape, but one in which local information and knowledge of the wants the people were most valuable. In such places as Dublin, Belfast, Cork, and other large towns, the authority was vested entirely in the Recorder; but surely in each and every one of them could be found gentlemen of position and character against whom there could be no reproach, and he hoped that the Chief Secretary for Ireland and the Committee would agree to what he con-

sidered not only a moderate, but a practical proposal.

Amendment proposed, in page 6, after line 2, to insert as a new sub-section preceding present sub-section 1—

"Wherever in any city, town, or borough, the licensing authority previous to the passing of this Act was vested in the recorder of such city, town, or borough, the licensing authority henceforth shall be vested in a licensing court consisting of the recorder and five of the justices for such city, town, or borough, said five justices to be elected annually for such purpose by the general body of justices for such city, town, or borough, and two in number of the said five justices shall along with the recorder be a quorum of the aforementioned licensing court."—(*Mr. Sullivan.*)

Question proposed, "That those words be there inserted."

MR. VANCE opposed the Amendment. He had never heard a complaint against the manner in which the Recorder of Dublin exercised the trust committed to him in this matter during the 40 years he had held his office. There had been no Petition presented from Dublin or any other place where the Recorder exercised this jurisdiction, and so long as the hon. Gentleman the Member for Louth (*Mr. Sullivan*) was unable to show that there had been any default, the House ought not to interfere with the present system.

SIR MICHAEL HICKS-BEACH said, he agreed that the consideration of this question might be approached entirely apart from party feeling. The real question the House had to consider was, how they could secure the best licensing tribunal in Ireland. He quite agreed with the hon. Gentleman the Member for Armagh (*Mr. Vance*) that nothing could be alleged against the manner in which Sir Frederick Shaw, the Recorder of Dublin, exercised his discretion in this matter. He was a gentleman who had at one period been an eminent Member of that House, one eminently distinguished for his talent and ability—and who had devoted great attention to this matter, and it was only on the previous day that, in answer to a Question put to him, he had had the pleasure of stating that during his tenure of office, that right hon. Gentleman had, greatly to the advantage of the cause of temperance, reduced the number of public-houses in Dublin. He did not think that associating the Dublin magis-

Mr. Ascheton Cross

trates with him in the granting of licences would militate against the cause of temperance; but still the Dublin magistrates were somewhat like the Middlesex magistrates, inasmuch as they did not exercise judicial functions, that duty being performed, as in London, by divisional or stipendiary magistrates.

MR. M'CARTHY DOWNING said, his hon. Friend the Member for Louth (Mr. Sullivan) had not said or insinuated anything derogatory to the impartiality of Sir Frederick Shaw, who was a gentleman whom everyone respected; but still, he had now filled his high office for 42 years, and, at his time of life, could not be expected to give that attention to the matter which he formerly did. He had reduced the number of public-houses in Dublin from 1,400 to 800, and the right hon. Gentleman the Chief Secretary for Ireland referred to that to show how much Sir Frederick Shaw had done in the cause of temperance; but did he mean to say that the Dublin magistrates would not also act in the cause of temperance? Surely, if they were gentlemen entitled to be placed on the Commission of the Peace, they were entitled to have that confidence placed in them. He knew not of an instance of any individual having such a power entrusted to him. He had, by reducing the number of licensed houses from 1,400 to 800, created a monopoly in the liquor traffic, and that was a power which no man, however eminent his character, however great his ability, ought to have. The Amendment was a most reasonable one, and he regretted the Government should oppose it.

MR. C. E. LEWIS supported the Amendment, as he could not conceive why, if the Magistrates of Dublin were worthy their position, they should be denied this confidence in a function which was germane to their office. He thought this was an attempt on the part of the Government to keep up an unworthy distinction between Irish and English magistrates, and should certainly support the Amendment. He did not say anything against the Recorder of Dublin, but the next incumbent of that office might be a man of an entirely different character.

MR. BULWER opposed the Amendment, as he considered Ireland had the advantage of a perfectly impartial tri-

bunal in this matter; which was not the case in England, where the magisterial bench was on licensing days generally packed.

MR. E. NOEL said, he thought this a matter in which the Irish Members, as they were denied Home Rule, ought to be allowed to legislate for themselves.

MR. DICKSON said, the Argument against the Amendment might be employed to support an aristocracy in this country. It might be that they could find a man who would govern the country better than Parliament did; but could they always count upon getting for him a successor of the same ability? The next Recorder of Dublin might share the views of the hon. Gentleman the Member for Carlisle (Sir Wilfrid Lawson).

MR. STACPOOLE said, the Dublin magistrates were merely ornamental, and it was time they should have something to do.

MR. SHERLOCK opposed the Amendment, as it would, after the turn the discussion had taken, be construed as a reflection upon the Recorder of Dublin, who had in every branch of his duty given the most entire satisfaction to all classes of the community. The Dublin magistrates were not appointed for magisterial duties, and had no magisterial experience.

MR. W. SHAW hoped sincerely that the right hon. Gentleman the Chief Secretary would not yield to this Amendment.

SIR PATRICK O'BRIEN said, that while the number of residents in Dublin had enormously increased during the last 20 years, the number of licences had been diminished. He was not prepared to state that that might not be a happy thing for society; but it must not be forgotten that it showed they were granting to the trade in Dublin a certain monopoly. The power of granting licences ought not to be entrusted to any one individual, however highly he might be spoken of in that House. If for no other reason, he should support the Amendment.

MR. D. TAYLOR said, the clause made a most invidious distinction between county and borough magistrates. Sitting in petty session in Dublin, the Recorder had no power to grant a licence without the assistance and advice of the magistrates; but the same individual,

when he got to Belfast, had the sole power of granting or refusing a licence, and no justice had a right to dictate to him in the matter.

Mr. SULLIVAN disclaimed any intention of casting a slur upon the Recorder of the City of Dublin. There was not a Recorder in all England who was permitted to have a voice in the issuing of licences, and no English Member of that House during the debate on the Intoxicating Liquors Bill rose to propose that such power should be conferred upon Recorders in this country. By this proposal they brought an indictment against the magistracy of Ireland, for they proposed to strip them of the power which they at present possessed. He, for one, protested against the imputation of favouring drunkards, which had been hurled against the magistrates of the City of Dublin in this debate.

Mr. WHITWELL said, he thought some better reasons for the proposal to confer this power upon the Recorder of Dublin should have been given by the Chief Secretary.

SIR JOHN GRAY argued that if it was not right to place the granting of licences in the hands of the magistrates, who were appointed by the Lord Lieutenant, with the consent and sanction of the Lord Chancellor, it was not right to give them the Commission of the Peace.

Mr. GOURLEY said, the proposal seemed to be equivalent to giving the power of licensing to the Lord Chancellor. He would oppose the Amendment, as he saw no reason for altering the present system.

SIR ARTHUR GUINNESS said, the Dublin Recorder had reduced the number of licences and given such general satisfaction, that he (Sir Arthur Guinness) would oppose the Amendment.

Question put.

The Committee *divided*:—Ayes 63; Noes 133: Majority 70.

Committee report Progress; to sit again upon *Friday*.

EVIDENCE LAW AMENDMENT (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to further alter and amend the Law of Evidence in Scotland, and to provide for the recording, by means of shorthand writing, of Evidence in

Mr. D. Taylor

Civil Causes in Sheriff Courts in Scotland, ordered to be brought in by The LORD ADVOCATE and Mr. Secretary CROSS.

Bill presented, and read the first time. [Bill 165.]

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, 24th June, 1874.

MINUTES.]—WAYS AND MEANS—considered in Committee—Resolutions [June 23] reported. PUBLIC BILLS—Resolutions in Committee—Ordered—Customs Duties (Isle of Man)*.

Ordered—First Reading—Herring Fishery (Close Time) (Scotland)* [167]; Bankers Books Evidence* [166].

First Reading—Court of Judicature (Ireland)* [168].

Second Reading—Merchant Shipping Survey* [11], negatived; Infants Contracts* [164].

Select Committee—County of Hertford and Liberty of Saint Alban* [77], nominated.

Committee—Report—Personation* [146].

BOSTON ELECTION.

The Clerk of the Crown attending according to Order, amended the Return for the Borough of Boston.

MERCHANT SHIPPING SURVEY BILL.

(*Mr. Plimsoll, Mr. Roebuck, Mr. Samuda, Mr. Kirkman Hodgson, Mr. Horsman.*)

[BILL 11.] SECOND READING.

Order for Second Reading read.

MR. PLIMSOLL, in moving that the Bill be now read the second time, said, he wished the families of the poor shipwrecked crews who perished at sea by the negligence of others had a better advocate than he was, but he would now do, as he had always done, the best he could in their behalf. There could be no doubt whatever that a very bad state of things prevailed among a large portion of our Mercantile Marine, and that vessels were continually being sent to sea, either so overloaded that, in case of bad weather, the men had no chance of saving their lives; or so unseaworthy that they stood no chance of contending with the elements, should rough weather arise, but must inevitably go to the bottom, carrying all on board along with them. Many such ships were lost last year; but on the present occasion he should adduce in support of that allegation only

one or two pieces of evidence, which, however, he thought would be amply sufficient to prove the truth of his assertion to the satisfaction of the House. Among other evidence which had been laid before the Royal Commission on Unseaworthy Ships which sat last year, was a Report from a Court of Inquiry, which was held in the North of England, in regard to a vessel, in which the Court, after reporting that 23 men were drowned, stated that they could not dismiss the painful case without urging upon the Government the necessity of causing an inspection of all ships, to prevent that overloading which had become so notorious; and another Court of Inquiry, after considering all the circumstances in reference to the loss of a steamer from Aberdeen, stated that overloading had become prevalent in the North of England ports; and against that system they expressed their unqualified condemnation. The Board of Trade Draught of Water Records had been furnished to him from day to day since the middle of last year, and during that period, he had reported to the Board of Trade in hundreds of cases, in which vessels had gone to sea with less than an inch of freeboard per foot of depth of hold. In one instance, a ship which had a depth of hold 19 feet 9 inches was only 1 foot 6 inches above the water line, and he believed that there were even worse cases to be found. He understood that the Royal Commissioners had reported that the Board of Trade, under the powers conferred by the Act, found 198 vessels unseaworthy during the course of three or four months last year, and therefore he thought that that was ample evidence of that fact; but there was further evidence before the House, for the President of the Board of Trade, in his speech on the 5th of May, stated that under the powers conferred upon them by the same Act, his Department had seized 264 vessels for alleged unseaworthiness; that the respective cases of 17 of them were under consideration; and that of the remaining 247 only 13 had been found fit to go to sea. He rested his case upon such facts, for he thought they showed a state of things which urgently called for stringent action on the part of Parliament. Had he thought it necessary, he could have given the House the details of many startling cases where ships had

been sent to sea in an unseaworthy state and had never been heard of again. The Bill he now asked the House to read a second time was similar in its principles to that which was passed last Session at the instance of the Board of Trade, only it proposed to authorize the Board of Trade to direct the survey of all unclassified ships, instead of their having to wait, as they had to do under the present Act, until an allegation of unseaworthiness was made against a particular ship, and to relieve the Department from having to pay damages, to which they were liable under that Act, for the detention of any ship which was found fit to proceed to sea. It was notorious that the service of our Mercantile Marine had rapidly deteriorated during the last few years. Vessels were sent to sea so deeply laden that their companions, hatchways, and sky-lights were, in the event of bad weather, exposed to the whole fury of the sea, the consequence being that those structures were frequently washed away, the ship filled and sank, and she was posted up as "Missing." In many other cases the decks were a-wash during the whole voyage, and a vast number of seamen were washed overboard and drowned, the number of men lost last year from causes other than shipwreck being 1,032. During the first half of last year, before the Bill of last Session came into operation, no fewer than 128 vessels were posted at Lloyd's as "Missing"—that was to say, they had disappeared and every soul on board of them, averaging 14 for each ship, had been drowned, being a large increase over the number so posted during the previous year, and as he considered, going from bad to worse. In the last six months of last year, when the Act had come into operation, only 36 were so posted. Another startling fact was, that up to the 31st of May, 1873, 109 were so posted, whereas during the corresponding period of the present year, when the Act was in operation, the number was only 47. These facts were of an amazing and startling character, and they imperatively called for, as they no doubt would receive, the anxious and thoughtful consideration of the House. But whatever advantages might have been derived from the Act of last Session, they could not any longer look for like results, for that Act was similar to a spent ball—it had done its

work; and he did not think that anybody would expect much more beneficial operation of the Act. It therefore became necessary that additional powers should be conferred upon the Board of Trade, so as to enable them to take independent action in ordering the survey of unclassed ships. It might be objected that that would entail an enormous amount of work upon the Department; but he found that Lloyd's had 58 surveyors, and 15 more partially employed at home, and 25 partially employed abroad—making a total of 98; and on the books at Lloyd's there were 16,000 vessels which had to be kept in order—one-half being from Liverpool, and of these were the steamers for carrying passengers and mails, and belonging to the Cunard and the Peninsular and Oriental Companies, and to Mr. Thompson of Aberdeen—all vessels that were perfectly well-kept, it being known that those firms had had no losses, or very few for many years; whereas the Board of Trade, with their 150 surveyors, would have only 6,000 unclassed ships to look after in the year. It was not necessary, he might mention, to survey vessels which carried Her Majesty's mails, such as Inman's, Cunard's, or the large companies like the Peninsular and Oriental; but it was different with the general Mercantile Marine, and if the survey of these unclassed ships were made general, the present invidious system of individual surveys would be done away with and the liability of the Board of Trade to pay damages for the detention of seaworthy ships might be fairly abolished. By the second provision of his Bill it was proposed to prohibit deck loading between the 1st of September and the 31st of March in each year—a restriction which was generally enforced by marine insurance societies. If that were done a vast number of lives would be saved from drowning. He knew of one case in which not long since a vessel left an eastern port for the Baltic with 100 barrels of petroleum on deck not secured in any way, and where one of the officers was entreated not to go, as he was told he was sure to be drowned. He determined to go, but went home and put off a new suit of clothes and put on an old one, that his wife might have the benefit of the new suit if he were lost. The vessel was never heard of again. Another vessel had six threshing machines and

two locomotives on deck, and another, had eight threshing machines and 70 tons of coal, likewise all on deck; and he had no need to tell the House how difficult it would be—he might almost say impossible—to work the ships in these cases in bad weather. In fact, there were many cases of the same description with which he would not trouble the House. The third proposal in his Bill was to require a broad white streak, showing the proper load line, for the protection of the crew, to be painted on the side of a vessel, by which a moral influence would be brought to bear on shipowners, who would thus be shamed into not overloading their ships, for it was perfectly obvious that ships being only a foot, and sometimes not more than an inch, above the waterline, must in bad weather, inevitably go to the bottom. Not long since several vessels had gone to sea overladen. He did not find it out till the day after they had sailed; the consequence was, that many valuable lives had been sacrificed, and when he read the account of the disasters, he felt as if he could have severed a limb to be the means of preventing them. In this case, he wrote letters to the Board of Trade, but he found that his letters were sent on to the owners of the vessels, although the Board might, from availing themselves of the same information, have made the same complaints to the owners. If the Board had made those complaints, the shipowners would not have dared to send their ships to sea overladen. Now, no doubt, moral agencies had been able to do much, though he would be glad to have something much more stringent than moral agencies. He proposed that in all cases of this kind the Board of Trade should have power to interfere and prevent these ships going to sea. In that case many causes of disasters would be prevented. According to the information he received, ships overladen in this manner had been lost with crews numbering 1,780 in the first part of last year, and 508 in the second. He wished that the survey of ships should be extended to all ports, and that the records which were now kept could be made more generally useful by being equally extended, thus having so far as it would be possible, a record of every ship leaving those ports. By Clause 19 it was provided that the Board of Trade might, from time to time,

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make, vary, and rescind regulations as to the maximum depth to which ships might be loaded. As, however, he was informed that the Board of Trade was only the President for the time being, and as he was advised by the head of the Marine Department, who had no knowledge of shipping except as an amateur, he (Mr. Plimsoll) did not expect much from this provision. If the House entertained any doubt whatever as to the advantages which might be expected to arise to our trade from the measures he recommended, he would refer to the benefits actually derived from the careful superintendence of the ships employed by the Government between India and England. More than 200 ships had been so sent to India during 22 years; there had been only two instances of disaster, and one of these was due to fire. The ships were carefully surveyed; there were restrictions as to the amount of dead weight to be carried, and as to deck cargoes; the rule as to freeboard was enforced; the stores were not insured, and the freight did not amount to more than that for ordinary merchandize. These facts showed that voyages to India could be performed with perfect safety under these conditions, and why should not such conditions be made imperative on all ships? It had been urged that the proposed legislation would diminish the responsibility of shipowners; but he could not see how, for although it was a misdemeanour to send an unseaworthy ship to sea, never until last year was any prosecution attempted; last year two shipowners were sent to gaol and fined for sending manifestly unseaworthy vessels to sea; but he did not think the Department would have had the courage to proceed against the offenders, if they had been large shipowners instead of being poor men at Belfast. Courts of Inquiry had investigated cases of wreck over and over again; and in the cases of the *Druid* and another vessel, prosecution was urged, but was not undertaken. As to the fear of foreign competition, he did not think the nation would lose from the attainment of greater security, because the nation was impoverished by the value of every ship lost, no matter how the loss might be distributed by insurance; and we might require all foreign vessels coming to our ports to comply with the regulations to which our own ships were subjected. It was stated that the re-

quirement of a load line would encourage the building of slight vessels, since of two vessels of similar dimensions that with half as much material in her as the other would take more cargo with a corresponding draught. No doubt, that was so; but this danger lay in the future, whereas the dangers we had to contend with were present. A possible future danger might be met by the survey of ships, which it was one of the objects of his Bill to secure. Ships were not like envelopes, to be used once and destroyed; and all that were built and were building would be reached by the Bill, because it was impossible to take out of them a portion of their weight in order to evade the law. He did not think there was any fear of our shipowners being driven to register their ships under foreign flags, and he had heard of a case in which an application to do so was refused on the report of a Consul that the application was only made to evade the English law. If there were found to be any reality in this danger it could be easily guarded against by such communication with Foreign Governments as already secured their co-operation in other matters affecting ships, such as lights and signals. He had shown that the objections made were groundless, and that the result of recent legislation had been a great saving of life at sea, so that there was every encouragement for the House to proceed with caution, and make those regulations which would diminish the present large loss of life. It was appalling to think what that loss of life might have been but for the measures which had been adopted. Altogether last year 3,554 men were lost, as against 2,700, the average for many years previously. He hoped that the House would not go back, but he feared that it would unless they passed that Bill, because the Act of last year had done its work. In conclusion he asked the House to consider the sort of men on whose behalf it was asked to interfere. He had recently presided at a meeting of seamen at the East End of London, and he could tell the House that they had a long list of grievances, amongst which were included the quantity and quality of their food, particularly on return voyages, the miserable accommodation provided for them on board ship, the present system of advance-notes which were cashed at a ruinous

discount, and — this struck him most of all—the absence of any provisions under which they could sign away two-thirds of their earnings for the benefit of their wives and families. It was infinitely to the credit of British seamen that they should wish to assign so large a portion of their earnings to their families. On Saturday he went to a port 100 miles from London in reference to a case of shipwreck. He called upon the widow of the captain, who was left with five little children. She said he was strongly urged not to go to sea, because he was satisfied in his own mind that the ship was unseaworthy; but he said—"What can I do? I must support you and the children, and I cannot do it if I stop ashore. I must take this ship or none; and if I do not go I shall be pointed at as the man who dare not go to sea." So from that mistaken feeling, he went to sea in a ship he knew to be unseaworthy. He afterwards wrote home that the ship was making five inches of water an hour; and writing from Portland he remarked that they would not call at Plymouth, because the ship had been very nearly condemned there before. The mate, who had left a widow and two children, went to sea in the vessel, remarking—"If the captain is not afraid, I am not." A seaman in the vessel had left a widow and three children. There was another lost seaman who had maintained his mother and two brothers, who were now left destitute, and no doubt most of those who were bereaved would sooner or later find their way into the workhouse. Bad as was the case of these poor women the case of those whose husbands went down without their knowing it was still worse, as they still hoped on for their return, and every day brought with it an increased amount of anguish and misery. He earnestly implored the Government and the House to put a stop to a system which led to such wholesale loss of life and property, and which was going on at the rate of 14 men per ship and 128 ships in six months. If hon. Members knew of some of the cases that came before him, they would allow nothing to obstruct their action in this matter, and for that reason he entreated the President of the Board of Trade not to oppose the measure. The minds of the working people of this country were earnestly directed to the subject, and they were in the attitude of hopeful en-

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treaty to the Government. A great opportunity was afforded to the Government, and if they listened to the entreaties addressed to them, they would earn the lasting gratitude of the working classes especially, and they might be the means of saving hundreds of valuable lives, and of saving multitudes of sorrowing widows and helpless children from the greatest of human losses. He entreated hon. Members to have pity on these poor people, and to stop that prodigality of woe by adopting decisive legislation on the subject. The hon. Member concluded by moving the second reading of the Bill.

Motion made and Question proposed
"That the Bill be now read a second time."—(*Mr. Plimsoll.*)

MR. FORSYTH, in supporting the Motion for the second reading of the Bill, said, that a debt of gratitude was due to the hon. Member for Derby for the efforts he had made on behalf of British seamen, and which had already resulted in saving a great amount of human life. He had roused attention to the existence of a state of things of which before the public had not any suspicion, and he (*Mr. Forsyth*) hoped he would continue his efforts until they succeeded in preventing those whose business it was to go down to the great waters in ships being sacrificed as they had hitherto been. He might have been importunate and troublesome, and he might even have been guilty of some indiscretion; but he had been zealous in a good cause, and we must not allow any slight indiscretion to diminish our appreciation of his efforts to promote the safety and preserve the lives of our seamen. It required no knowledge of ships and seamanship to understand that the overloading of a vessel was to run a risk of danger, and that to send an unseaworthy vessel to sea was to doom those on board to destruction. Notwithstanding the Act of last year, there was an amount of overloading which was frightful, resulting in a loss of life which was appalling. We must not be misled by the idea that because largeships were classed at Lloyd's, and belonged to large shipowners and mercantile firms, they were not overloaded, and beyond that there was also an immense amount of overloading in coasting vessels, which were not classed at Lloyd's

at all. From the ports of this country every month a large number of vessels went to sea in a most dangerous state. It was an extraordinary circumstance that before the Act of last year the word "overloading" did not occur, so far as his search had gone, in any of our Mercantile Marine Acts, which in themselves were a perfect chaos, and therefore one searched in vain for any provision against it. The first Consolidation Act was passed in 1854, and since then there had been several Acts repealing, modifying, and re-enacting isolated sections of preceding Acts, so that it was almost impossible to ascertain what the law really was. It was, however, generally admitted that there should be a certain ratio between the portion of the vessel immersed and the freeboard or the height of the vessel above the plane of flotation, and accordingly the Act of 1873 was the very first that gave a definition of freeboard. The Act said that for every foot of the depth of the hold there should be three inches of freeboard, so that with an immersed depth of 12 feet there should be 3 feet of freeboard. In the case of iron vessels one-fifth instead of one-fourth was considered sufficient; but one-fifth and one-fourth were respectively the minimum of safety, the object being the recovery of equilibrium when a vessel rolled, and an insurance company of South Shields refused to insure vessels if they did not allow $3\frac{1}{4}$ inches of freeboard per foot of depth in the hold. Taking, however, an analysis of the ships which left port during the month of March, there were very few which fulfilled those conditions, for a Return to the Board of Trade for that month showed that during the last 20 days of that month 55 ships were reported to have been overloaded; instead of having a freeboard of 3 inches per foot, most of them had between 2 inches and 3 inches; and in December, 1873, an iron ship called the *Volga*, of 671 tons—laden with that most dangerous cargo, railroad iron, left Cardiff for Frederica immersed to the extent of 14 feet, and with only one inch of freeboard. He did not know whether or not that vessel had gone to the bottom; but if she had, he held that those who sent her to sea were guilty of an offence little short of murder. He would ask whether a vessel so loaded ought to have been allowed to go to sea; and whether that

state of affairs did not call for the interference of the House, with a view to its repression? He mentioned the name because it was given in the Return of the Board of Trade; but besides that, he could mention dozens and dozens of cases in which the rule had been disregarded. Was it to be said that sailors were free to contract, and that they need not go on board vessels of this sort unless they liked? The sailor was compelled by law to go to sea, and imprisoned if he did not, unless he showed that a ship was unseaworthy. In 1871, 281 sailors were imprisoned, and in 1872, 420; and though it must be assumed that the magistrates administered justice, and that the ships were deemed seaworthy, there was too much reason to fear that some of these sailors were not properly convicted. The question, however, which the House had to consider was, whether or not something should be done to remedy the present disastrous state of things, which was attended by the loss of thousands of valuable lives, and with that view, the object of the Bill of the hon. Member was to secure the survey of all vessels—not only those classed at Lloyd's, but also those miserable coasting vessels, so many of which were so utterly unfit to proceed to sea. It would also introduce much more stringent provisions as to overloading, and it would require the load-line of a ship to be conspicuously painted on its side. No shipowner would dare to send a vessel to sea with that line immersed in the water; if he did, public opinion would charge him with endangering the lives of the crew. What it was desirable to do was to prevent risk and danger, rather than to punish shipowners for incurring it. He certainly considered his hon. Friend the Member for Derby had made out a strong case for the consideration of the House, and if the President of the Board of Trade did not see his way to accepting the measure, he hoped that right hon. Gentleman would be able to give overwhelming reasons why such a measure ought not to be passed, or else satisfy them that Government intended to take some action which would more effectively carry out the object which the hon. Gentleman had in view. For the last few days they had been engaged in legislating for the protection of persons employed in factories and shortening the hours of

work; but the House was not in this case asked to abridge the power of contract in favour of the sailor; all that was asked was that he should have accorded to him the same amount of protection which was given to dumb animals, in protecting them from cruelty and oppression. By passing the Bill, Parliament would enable our sailors to go with safety to sea, they would save many thousands of valuable lives, and relieve the shipping interest from the standing reproach and scandal of being considered so base as to be regardless of human life for the sake of filthy lucre.

MR. A. PEEL said, he did not wish to say anything which could by implication reflect upon the hon. Member for Derby, to whom the country in general, and the Board of Trade in particular, owed a deep debt of gratitude for having roused public attention to the subject. He must be credited with having aroused the Department itself, for he would freely admit that in times past there was a feeling of antagonism between the hon. Member and the Board of Trade, though he might say for his late Chief and himself, and those who succeeded them, that it had long ceased, and that they were only anxious to co-operate with the hon. Member in saving life and property at sea. He must, however, confess to feeling some surprise that the hon. Gentleman had chosen that particular time to bring forward the Bill, for they would, he hoped, soon have before them the final Report of the Royal Commissioners. Their preliminary Report—cautious, moderate, and prudential as it was—furnished a strong warning to the House to exercise great caution in dealing with a matter which was surrounded with great difficulties. The Bill consisted of three parts, all of which were very imperfect in detail; and beyond that it was too minute in its legislation, and such legislation always did more harm than good. It first dealt with the question of survey, recommending practically that all ships should be surveyed. He could not but think it was a strong thing to ask the House to give to a public Department the duty of surveying all the ships on the British Register. But when he looked to the means by which his hon. Friend proposed to carry out the provision, he was somewhat startled by the consequences which were presented to his

Mr. Forsyth

mind. As if aware that no public Department could survey all the ships on the Register, his hon. Friend provided that the Board of Trade might accept the certificate of Lloyd's, the Liverpool Underwriters' Association, or any other British or foreign corporation for the time being which they approved. In other words, the Board of Trade were empowered to receive and act upon the certificate of a foreign corporation over which they had no control, and to be guided by information derived at second hand. There was this further fact—that upon any such certificate, the Board could certify that the ship was not fit to proceed to sea, a proceeding which he thought very strong and unjust. For that reason he did not think the House could approve such a provision. Then, again, his hon. Friend, troubled with none of the doubts which had evidently agitated the minds of the Royal Commissioners, laid down rules for fixing the load-line, by enacting that a mark six inches deep was to be drawn, and that all above it should be 25 per cent of flotation; but the principle of making a mark which should be the test of overloading was one of the very points which the Commissioners asked for further time to consider. Next, the Bill prohibited the taking a deck-load of a certain description on board any vessel during certain periods of the year. He fully admitted that the Government of Canada had forbidden the taking of such loads during dangerous months of the year, and he hoped that by arrangements with other countries some rule might be arrived at by which vessels would be prohibited carrying cargo on deck, and thus endangering the lives of the sailors on board. We must, however, draw a distinction between minute regulations and broad rules, by which they could intervene directly, and give effect to the prohibition. His hon. Friend had a strong case to refer to as regarded the Indian vessels; but it should be remembered that those vessels went out subject to restrictions, and returned without being so subject; a comparison therefore between inspected and uninspected vessels, upon which the whole case rested, they had—as the Commissioners pointed out—no means of instituting. His hon. Friend said he hoped they would not be tempted to take a backward step in this matter. He

joined his hon. Friend in entertaining that hope; but he would remind the House that in legislating in reference to Board of Trade subjects they had frequently gone back. They had more than once taken a step in advance, and been compelled, not only by public opinion, but by the palpable and practical inconvenience arising from their interference, to take a backward step. What they ought to do in the present case was, he thought, not to refuse to go with the hon. Member for Derby, but to take care that the step they took was a sure one, so that two or three years hence they might not be obliged to retrace it. A vacillating policy had marked the Department of the Board of Trade many times within the last 20 years. Four instances of the kind were mentioned in the Report. Tight bulkheads had been the subject of legislation, and vessels had been actually endangered by complying with the Act of Parliament. Then, as to the number of boats to be carried, and where they were to be carried, there had been a great deal of legislation, and the regulations framed were, in practice, found to be unworkable. Chain cables, too, had been dealt with by Act of Parliament, but into that subject he would not go, as it was now under investigation; and again, safety-valves were another glaring instance of the danger incurred by interfering with small matters, and exercising more than paternal interest in everything that concerned ships and shipping. He hoped he should not be supposed to set himself in antagonism to his hon. Friend or the cause he so ably advocated; but his hon. Friend ought not to think that he had a monopoly of caring for the widows and orphans whose sufferings he had so touchingly depicted. Others were animated by like feelings of humanity, and he believed they were all willing on both sides of the House to co-operate in promoting the safety of their seamen. They should first, however, see what remedies were really required, and what were likely to be the consequences of the action they might take. There were many remedies which might be adopted besides those of minute inspection, and the Commissioners, in their valuable Report, pointed to the Amendment of the Master and Servants Act, to the importance of giving full publicity to everything connected with the

outfit and condition of the vessel when it left port, to an improvement of the Courts of Inquiry and their procedure; and, further, to the appointment of a Public Prosecutor, part of whose duty it should be to take part in Board of Trade inquiries. He believed that, by such means, they would do more to prevent the glaring evils which had been spoken of, than if they relied solely upon Government inspection and minute rules, which would certainly be evaded. If they adopted the remedies now advocated, they would, he believed, have to retrace their steps; but if, upon full consideration, they adopted those to which he had referred, they would put themselves in a position to put an end to the evils which they all wished to prevent.

MR. D. JENKINS admired the hon. Member for Derby (Mr. Plimsoll) for the philanthropic feeling which animated him, yet could not agree with him that affairs were so bad as he imagined. Having had some experience of sailing ships and steamers, he was rather surprised at the picture which the hon. Member had drawn of our Mercantile Marine, because, judging from his own experience, he did not think it had deteriorated to the extent the hon. Gentleman would have the House believe, and he was quite sure the shipowners did not deserve the condemnation which they had received at his hands, since he commenced his crusade against them. The practices complained of by the hon. Gentleman were condemned by the shipowners themselves; but they could not support the hon. Gentleman, because his zeal and philanthropy had overstepped the bounds of reason at times. This House ought not to legislate as philanthropists, but as practical men. While he thought the debate might do good in ventilating the subject, he considered the wisest course would have been for his hon. Friend to have rested satisfied with the working of the Act of 1873 until the Report of the Commission on Unseaworthy Ships had been laid upon the Table of the House. That Act was working most effectively in putting a stop to the practices of which the hon. Gentleman complained. He thought also that there would be great difficulty in carrying out the provisions in the Bill as to surveys; and in many cases under the Act of 1873, he believed that the

best thing would be to have a second surveyor, so as to insure a proper result. As to deck loads, he thought the provisions in the Bill were practical, and should be carried out. In his opinion, deck loads should be abolished in sailing ships, except in the Baltic timber trade, and in certain cases where small quantities of acids might be carried on deck, and in those cases, a special licence might be granted to carry a specified amount. As to overloading, the hon. Member for Marylebone (Mr. Forsyth), said that a certain ship had gone to sea with only one inch of free-board; but such a thing could not possibly be, and there must be some mistake about the case. Overloading, however, was a question of great difficulty, and there could be no strict rule as to the quantity of freeboard laid down, because two inches per foot would be safer in some cases than would three inches in other cases. In fact, everyone acquainted with shipping knew that it often happened that up to a certain point, the deeper a vessel was laden the better she was in trim. It was altogether absurd to suppose that shipowners sent their vessels to sea for the purpose of cheating the underwriters and drowning the seamen. He did not think that our shipping had of late deteriorated; but he was afraid that our seamen had, and that many ships were lost, it was supposed from being ill-found or overloaded, when the real cause was that there were not good sailors on board. He thought that it would be most wise not now to press the measure further; but if it were pressed, he could not vote against it, because he thought that there was some good in it, and because he further thought that it might possibly be fashioned into a better shape in Committee. At the same time, he thought it would be better not to press it for the present, but allow the Act of last Session to have a further trial, at all events, until they had before them the final Report of the Commissioners. With that, to strengthen their hands, the Government might next Session deal with the question in a large and comprehensive Shipping Bill.

LORD ESLINGTON said, that as one of the Royal Commissioners to whom reference had been made, he had given the subject before the House his careful and attentive consideration, and he therefore wished to say a few words upon it.

Mr. D. Jenkins

He gave the hon. Member for Derby (Mr. Plimsoll) full credit for the motives which actuated him; but he could not but think that the Bill he had introduced was not calculated to fulfil the purpose its framers had in view. Any person of intelligence reading the Bill, and being unacquainted with the agitation which had produced it, could only come to one conclusion—namely, that it was a measure expressly and designedly framed, and ingeniously worded, to relieve shipowners from responsibility, and to place such responsibility upon the shoulders of the Board of Trade. If the shipowner, however, could not properly carry out what he was responsible for, it could hardly be expected that the Board of Trade could do it for him. To his mind that was not the best mode for securing protection to life and property at sea. The fact was, that the framers of the Bill started with a good purpose, but soon became aware of the difficulties by which they were surrounded. The Board of Trade, to whom the responsibility of the shipowner was to be transferred, were provided with loopholes by which they might escape that responsibility. As had been pointed out, they might act upon survey certificates even of foreign corporations; and, again, they might add to the Schedule of exemptions any class of ships they liked—even the entire Mercantile Marine—the best thing, perhaps, they could do under the Bill. He regarded the Bill as an unjustifiable and dangerous interference with the responsibility of those on whose shoulders responsibility should rest, and would like to know what evidence there was in favour of it. It was brought in, too, because of the doings of the few; but who were the many? The bulk of the shipowners were experienced, trustworthy, high-minded men, thoroughly conversant with their work and thoroughly competent to transact it. They were to be so hampered with restrictions that many of them would be driven out of the trade, while the few—the very few, he believed—whose proceedings were complained of would be only too glad to shift responsibility from themselves to the Board of Trade. The hon. Gentleman had said that a large proportion of the Mercantile Marine were mixed up with the discreditable transactions of which he spoke, and the hon. and learned Gentleman the Member for

Marylebone (Mr. Forsyth) who supported him endorsed that statement. To that allegation he altogether demurred. He did not believe it could be proved that a bad state of things prevailed in any large proportion of the Mercantile Marine of this country. That Bill proposed three things—first, a compulsory survey of all ships; next, the fixing of a load line; and, last, that deck loads should only be permitted to be carried under a special certificate obtained from the Board of Trade. The proposed system of compulsory survey was objectionable, and by the shipowners of the country would be looked upon as an insult; and as to fixing a load-line, in all his experience he had hardly ever found any two authorities, however eminent, who agreed as to where such a load-line should be drawn—a matter which must depend upon the varying circumstances of particular cases. The Bill would require a stereotyped load line to be drawn, and if a ship complied with it, it would be allowed to go to sea. How would that work? The Bill was reticent on the question of who was to fix the line. Mr. Barnaby, a very competent and impartial witness on that point said, he would allow a certain portion of the bulk of the ship to be out of the water, and that a line drawn to designate that amount of surplus buoyancy would, in his opinion, be the nearest approach to a perfect plan that had ever yet been suggested. But Mr. Barnaby was asked who should fix the load-line—a very knotty question—and he said that if the Government officers were called upon to do so, more harm than good would be done by that arrangement, and that it would be a mischievous interference to select any person but the builder or the owner, or the two acting in concert, to draw the line designating the surplus buoyancy. Now, the builder acted under the instructions of the owner; and—speaking of the reckless and negligent owner—he would probably instruct the builder to build a vessel of the lightest possible description for the purpose of carrying the greatest possible amount of cargo. The builder must obey his orders, and the line would be marked for the ship in concert with the owner. Would that conduce to safety at sea? There was always a competition among builders to build a ship of light scantling to carry a great amount of cargo; and under that Bill such a ship would

have an advantage over a ship of strong scantling and right construction. The reckless owner would say—"I claim to clear my ship; I have acted according to law." That was the man who would wish to be relieved from responsibility; and that Bill would relieve him. He repeated that such a provision certainly would not secure protection to life and property at sea. Then, with regard to deck-loads, the Bill proposed that ships should not go to sea with them unless they were specially authorized by the Board of Trade. Well, the subject of deck-loads occupied the attention of the Royal Commission, and as one of them, he hoped the House would have a little patience and wait till it saw from their Report how their recommendations, as a whole, were likely to operate on that and other points. He did not deny that deck-loads on long voyages in the stormy season were a fertile source of danger, and he should be glad to see the carrying of them over sea at such periods prohibited. But he supposed nobody would prohibit deck-loading in the coasting trade. The hon. Member for Derby had talked of a cargo of petroleum. Now, petroleum was an article which supplied the poorer classes with the oil they consumed, but it must be brought over sea somehow, and if it was unsafe on deck, would it be safer in the hold? Again, it could hardly be intended to prohibit the exportation of machinery; but if it was not to be put on the deck, how was it to be carried at all? Again, in regard to cattle, were they to be stifled in the hold? In fact they could not prohibit deck-loading in the coasting trade without well nigh destroying that trade altogether. If he complained of the contents of that Bill he complained still more of its omissions. It entirely gave the go-by to all other causes of loss at sea, such as the character of our seamen, the status of the masters of merchant ships, the mode of conducting inquiries into disasters at sea, and that vast group of kindred subjects. That showed how completely the authors of the measure had failed to grasp the question in its broad aspect. The Bill, too, began entirely at the wrong end. It had been already declared by Act of Parliament to be an offence to send a ship to sea in an unseaworthy state, and the power of detaining such a ship was now conferred on the Board of Trade, and in fact, the

hon. Member himself had shown that 264 vessels which were about to go to sea in that condition had been detained by the Board of Trade, in the exercise of that power. That was a striking proof of the adequacy of existing legislation. Again, if they wished to provide better guarantees for the safety of life and property at sea they might follow up existing legislation by inquiring most rigidly into the truth of the representations of ship insurers as to the state of the ships, and by making improvements in the method of ascertaining the causes of shipwrecks. It was also the duty of the House to take immediate steps for improving the character and condition of their merchant seamen and raising the status of the masters of merchant ships. It was impossible to say how many disasters were due to the want of discipline on board ship, and the hands of the masters ought to be strengthened for improving that discipline. In the Royal Navy they had most efficient seamen, who had been trained from boyhood to habits of obedience and discipline, and similar endeavours ought to be made to secure trained seamen for the Merchant Navy. By that means they could feel sure—which they could not do now—that when a man represented himself as an able seaman, he really was something like one. Those were practical proposals to make, whereas those contained in the Bill were objectionable because they would enable the negligent shipowner to shield himself under a certificate obtained from the Government that his ship was fit to go to sea, when such a certificate was only a fancied security for life and property; while it would harass the careful and respectable shipowner, who was, or ought to be most competent to conduct his own business, and thus cripple one of the vast industries of the country. The hon. Member had implored the Government to earn the gratitude of the working classes; but that gratitude would not be deserved by passing a bad and ill-considered measure like that. As to the assertion that seamen were helpless men, he denied that they were so. It was the worst thing they could do in the seamen's interest to teach them that they were helpless, and encourage them to go to that House for protection. They ought, on the contrary, to make them more self-reliant, and induce them to depend on their own observation. It was

Lord Eslington

now quite competent for a seaman, if he thought his vessel unfit to go to sea, to require a survey of her to be made before he sailed in her; and when he reached a foreign port, he might also claim through a Consul to have her surveyed before he ventured again to go to sea in her. That Bill, he believed, would be unworkable, or, if operative at all, it would prove absolutely mischievous, in which case it would soon fall into abeyance. On the other hand, the Report of the Commission would shortly be made public, when he hoped the House and the country would carefully study its recommendations, in which case he thought that legislation based upon them would be found to be both valuable and practicable.

MR. SAMUDA said, few subjects possessed greater and deeper interest than that which the House was now considering, and he begged to make his acknowledgment to his noble Friend who had just spoken for the interesting speech he had delivered in relation to it, and for the valuable communications which he had made to the House on the subject. Although much that his noble Friend had put before them must obtain the concurrence of all thinking men, yet he (Mr. Samuda) took a different view of some points, and he certainly thought that the House would do well to read that Bill the second time. He did not agree that the measure would be found unworkable, although he would admit that its practical working might be beset with many of the difficulties indicated by his noble Friend, but the House had to deal with a state of facts which had been brought prominently before it for two or three Sessions; and it could not be denied that there had for years past been an increase of losses at sea enormously disproportionate to the increase of our shipping. The total losses which had not been accidental but the consequences of neglect, had gone on in an increasing ratio year by year for a considerable period. Abstracts from *The Wreck Register* showed that in the four quinquennial periods of the last 20 years the losses on the average had been for the first period 970; the second, 1,118; the third, 1,488; and the fourth, 1,741. These were absolutely total losses. During the same period the number of ships had only increased from 27,000 to 29,000. So that, while the increase in the number of our mercantile

ships during that period had only been 8 per cent, the increase in the number of total losses had been about 50 per cent. During a period of 10 years the average total losses of vessels from all causes, were 2,700 per annum, while the average total loss of vessels during that period from carelessness and neglect was 1,100 per annum. Consequently, half the total number of losses arose from preventable causes, and legislation might improve that state of things. But he admitted that, in his opinion, many clauses of the Bill did not provide proper means of curing the evil. The proposal for a load-line, for instance, was ill-judged, for with regard to it, he thought the responsibility of shipowners should be increased, and that Parliament took a step in the right direction in 1872, by making it a misdemeanour to overload a vessel or to send a vessel to sea in an unseaworthy state. He thought the Legislature should go further in that direction, and be most careful not to substitute official direction and responsibility for that which naturally belonged to the owner. Though there were parts of the Bill which he did not approve, yet he thought it would be wrong for the House not to allow the Bill to be read a second time. The course which appeared to him would be most beneficial with regard to shipowners he had before stated to the House. One important matter would be this, that whilst it was of the utmost importance that the shipowner should have the responsibility thrown on his own shoulders, he could not see how that could be satisfactorily done without an improvement in the present law of insurance. It was only a small part of the shipowners that the House had to deal with, but it was a part against which the public ought to have protection. At the present moment an unscrupulous shipowner had only to go and insure at Lloyd's or some other large marine insurance office, and then he could put into his ship an amount of cargo which an honest shipowner would not put into it, because such overloading would endanger the lives of the sailors or endanger the cargo. If the vessel arrived safe the unscrupulous owner received a larger amount in respect of freight than he would have done if the vessel had not been overloaded; and, on the other hand, if the vessel sunk he escaped damage by being paid the

amount for which the vessel was insured. The law of insurance should be so altered as to compel every shipowner to be to a large degree his own insurer, by permitting only two-thirds or three-fourths of the value of the ship that was lost to be recovered from an insurance office, and, as in the case of a house, by requiring that a ship should not be insured to a greater amount than it was worth. It would then be to the interest of a shipowner not to overload his vessels or send them to sea in an unseaworthy state. Another matter which must militate against proceeding with the Bill as at present framed was the fact that though a Royal Commission had sat upon the subject the House was not yet in possession of the Report. He wanted also to hear some suggestion for the passing of a measure which would deal comprehensively in the way of codification with the whole Mercantile Marine. He submitted that the best way to proceed in the meantime was to read the Bill a second time, and let it remain in abeyance until the Report of the Royal Commission could be considered, and in view of obtaining a measure for dealing with the whole subject in a comprehensive manner.

MR. BENTINCK said, he could assure the hon. Member for Derby that no one sympathized more cordially than himself with the object he had in view, and with the perseverance he had evinced in endeavouring to carry out those objects. But the hon. Gentleman had undertaken to deal with a very great and complicated question, and the House ought to be careful not to take any step which might drive commercial enterprise from the British to a foreign flag. They had heard a good deal of the difficulties of treating the questions of freeboard and overloading; but it appeared to him that it would be premature and possibly injurious to legislate on these matters, until they were in possession of the Report of the Royal Commission. The tendency of our present legislation was to vex and hamper the interests of the Mercantile Marine of this country, and to encourage crime and relax discipline. The want of proper discipline on mercantile ships was daily becoming greater, and there was an organized system of fraud amongst a large body of merchant seamen, with which the local magistrates were never disposed to deal as they ought to be dealt with. The interests of neither

the shipowner nor the master were sufficiently attended to by existing legislation, and there were aggrieved shipowners as well as aggrieved seamen who needed an improvement of the present law. He thought, therefore, that they ought not to confine themselves merely to questions brought forward by the hon. Member for Derby, but should also protect the shipowner and master against wrong-doing on the part of seamen. With regard to the present Bill, he trusted that whether read a second time or not, it would not be further advanced during the present Session, and that ample opportunity would be given to the House to consider what should be done with regard to other matters affecting the Mercantile Marine than those embraced in that measure.

MR. T. BRASSEY said, he could not support the second reading, although he fully appreciated the great services which the hon. Member for Derby had rendered to the Mercantile Marine of this country. He would admit that they had borne good fruit, but he was opposed to legislating on the subject too hastily. In the preliminary Report of the Royal Commissioners, facts were stated which sufficiently showed that increased vigour had been displayed by the Board of Trade in recent years with reference to the question of unseaworthy ships. Before 1872, the average number of inquiries in a year was 37; whereas, in 1872, there were 50, and in 1873, 193, an increase in number, which showed how greatly the energies of the Department had been stimulated by the earnest zeal of Mr. Plimsoll in the endeavour to lessen the loss of life at sea. Since 1871 the Board of Trade had acquired additional powers in relation to the taking of the evidence of seamen, to the detention of ships suspected of being in an unseaworthy state, and to overloading. These powers had been vigorously exercised, and had had a beneficial effect. In a few months after the Act of 1873 was passed, 245 ships suspected of being unseaworthy were surveyed, and 190 were proved to be in such a condition that the Board of Trade was justified in detaining and preventing them from going to sea. The great thing wanted, in order to give the Board of Trade all the power which the most humanitarian sympathies would desire they should possess, was an addition to the *personnel* of the Department, in the

Mr. Bentinck

person of a public prosecutor, whose duty it should be to prevent any unseaworthy ship from proceeding to sea. Supposing the House were to adopt the Bill, and its provisions became law, the complaints which would be evoked would come not from rich men sitting in their counting-houses and making large sums of money by recklessly exposing their crews at sea, but from the poor shipowners, who went to sea themselves, whose capital was exceedingly limited, and who were engaged in a class of business in which there was great competition. A great deal of the danger of going to sea in unseaworthy ships might be avoided by care and special local experience; but it was impossible, by legislation, to provide against all evils which might be incurred at sea in cases where vessels were overladen. Moreover, it was scarcely expedient for that House to impose conditions of seaworthiness which the owners of that class of vessel would not be in a position to fulfil. A great deal had been said about the danger of sending ships to sea too heavily laden, but there might be almost as much danger from sending them to sea with too little ballast, and there was nothing in the Bill to provide against that. An Act was passed in 1840, prohibiting the carrying of deck-loads of timber between the 1st of September and the 1st of May. The Act remained in force until 1862, when, in consequence of the differential duties on foreign timber having been repealed, the Board of Trade thought it impossible to enforce the law, and by a clause in the Act passed in 1862, removed that restriction upon loads of timber carried on deck. But the danger arising from carrying excessive deck-loads of timber had been so conspicuously illustrated within the last year or two, that he sincerely hoped the Legislature might at an early date take steps for prohibiting this most dangerous class of ships from navigating the Atlantic during the winter months. With regard to inspection, he was certain that, unless it was frequently renewed, it would be absolutely ineffective; and the number of surveyors required to keep up a constant survey of the ships of our vast Mercantile Marine would be so great, that it was hardly possible to conceive that the Board of Trade could provide themselves with a sufficiently competent and numerous staff. For that reason, he felt confident

that it was absolutely impossible to attempt to survey the entire shipping of this country at sufficiently frequent intervals, and, as a Member of the Royal Commission, he could not recommend the House to impose any such duty upon the Board of Trade. All must deeply regret the great loss of life in British vessels, but a great proportion of it was attributable to collisions arising from the increase in the number of steam vessels, and he thought it was most desirable, by stricter punishment, to secure the necessary care on the part of officers in charge of ships, and on the part of the seamen serving under their command. One of the most vital points, however, in dealing with the Mercantile Marine was the state of the law in regard to insurance. If there were no facilities for insurance, and the whole burden of the loss arising from maritime disasters fell upon the shipowners, greater caution would be exercised. The law, however, in regard to insurance, was most complicated, and the Commission, of which he was a Member, had not felt authorized to offer any specific recommendations for its amendment. The subject required the attentive consideration of the Government; and he was not without hope that a Royal Commission would be appointed to inquire into it. In conclusion, he thought the powers already delegated to the Board of Trade were sufficient, provided that the staff was sufficiently strengthened. Whilst desiring to see a proper system of inspection carried out, he was quite sure the duty of the Government, with regard to the preservation of life at sea, would be more effectually discharged by closely watching the conduct of the great marine business of this country rather than by undertaking the impossible task of managing that business on behalf of shipowners. He should be sorry, indeed, to see the Government take up a position which would absolve shipowners from all responsibility for the proper discharge of their duty, and which must inevitably impose a check on that maritime enterprise which was the great strength and glory of our country.

Mr. E. J. REED, in referring to the contradictory complaints made against the Bill, said that, although he did not approve of all its details, he was of opinion that its character had not been fairly represented. The noble Lord opposite (Lord Eslington) had asserted

that the framers of the measure had shown themselves incapable of dealing with that great question because they proposed, in the Schedule of exemptions, to exempt from the operation of the Bill, as regarded the Board of Trade Survey, all vessels which were classed at Lloyd's or in the Liverpool Book. Now, in his (Mr. Reed's) opinion, that very exemption was, on the contrary, a proof of the good sense of the framers of the measure, whose object was not to get ships which had been already surveyed again, but to secure that ships which had never been surveyed should come under the surveillance of the Board of Trade. Another alleged evidence of weakness on the part of the framers of the measure was, that the Bill provided for the Board of Trade extending the list of exemptions; but that, in his judgment, was another proof of the prudence and moderation displayed by the framers of the measure. Another objection was, that the Bill provided that the captain of a vessel should have power to re-arrange the cargo on the voyage; but surely that was evidence of a desire on the part of the framers of the Bill not to interfere improperly with the trade of the shipowners. Those who opposed the Bill said it would not operate at all against the large owners, who did not overload their ships; and yet, in spite of that, the same objectors maintained that the measure would induce these very owners to withdraw their capital from the maritime enterprise of the country. He was at a loss to understand what answer that was to the hon. Member for Derby, or why he was to be told that the object he aimed at could be sufficiently accomplished by waiting for the Report of the Royal Commission. They had, indeed, already received an intimation of what might be expected from that Commission, which was composed of men of eminence, though not of that particular kind of eminence which was desirable in men who had to control the Mercantile Marine of England. It was therefore idle to talk of deferring legislation on the subject, in order to wait for a document, which, when received, would probably be no guide at all. It had also been said that it would not be desirable to pass this Bill until the marine laws of the country had been codified; but if such a code were ever seen, it would probably have been preceded by a

reform which ought to be obvious to every hon. Member. There ought to be a Minister in that House wholly devoted to the interests of the Mercantile Marine, and that important and onerous task should not be delegated to a Board burdened with the railway and other interests of the country. The right hon. Gentleman (Mr. A. Peel) had informed the House that the Board of Trade embodied the science of the times. Now, though he should be sorry to say anything against the general capabilities of the Board of Trade, he would ask what it had done to recognize, much less to promote, naval science in this country. Had they not that very day been truly told that it rather dabbled with safety-valves and other details, and dabbled with them in an unsatisfactory manner? In his opinion, the Bill could not pass in its present shape; but, as it possessed many merits, it ought to be read a second time. The House had been told of a ship which went to sea with only one inch of free-board; but he on one occasion saw in the Thames a vessel about to start for China, whose uppermost deck was several inches amidships below the water. In fact, anybody walking from the fore to the after-part of the vessel would have had to pass through 12 feet—in length—of water. Surely it was not creditable to the country that such a state of things should be allowed? The House had been told it was rather a matter of detail to draw the load-line of a ship and fix her free-board. Well, he admitted that the definition of “free-board” contained in the Bill was unsatisfactory; but even supposing the Bill passed in its present shape, it would in no way interfere with the great ships in our Mercantile Marine. But whether the proposed plan were the best that could be devised or not, he maintained that it was an honest, and, on the whole, a sensible attempt to improve the existing state of things. For his own part, he had no particular passion for excessive free-board, for he was well aware that other conditions of safety were necessary. They might load a ship badly, and yet leave her with a high free-board, or they might load her with less free-board and send her to sea in a good condition, for, after all, it was very much a question of stowage. No doubt, it was both desirable and safe at the same time that vessels should sometimes carry a portion of their cargoes on deck, and the framers

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of the measure had not been blind to that consideration, for they provided that the Board of Trade might grant a certificate authorizing a vessel to carry a deck cargo. That was a matter of vast importance, and it would be better to deal with it in the manner proposed by the Bill, than to leave it wholly undealt with. In conclusion, he sincerely hoped the Government would assent to the second reading of the Bill, and assist the promoters to put it into a practical form in Committee, so that the good it purposed to effect might not be any longer delayed.

MR. NORWOOD said, the attitude of the shipowners in regard to the matter, as shown by the Petitions which had been presented on their behalf, was not to oppose legislation altogether, but to ask that legislation should, at any rate, be deferred until the House was in possession of the Report of the Royal Commissioners, and in a more favourable position for dealing with the subject than it was at present. The hon. Member for Derby had last Session made statements with reference to the condition of the Mercantile Marine, and to the conduct of shipowners, which were declared to be greatly exaggerated, and, in some cases, without foundation in fact; while it was asserted that the measures he proposed were calculated to increase rather than diminish the alleged evils. Under these circumstances, the House thought it desirable to institute an inquiry into the matter, and had appointed an impartial and satisfactory tribunal with full powers to investigate the whole question, and that Commission was about to make its Report, which he trusted would receive that consideration which its importance would deserve. The question at issue with regard to legislation for the Mercantile Marine was broad and simple. It must be either on the principle of the legislation of 1871 and 1873, or on that of the hon. Member for Derby. For his own part, he (Mr. Norwood) was satisfied that the wise course was to interfere as little as possible with details, but to fix direct personal responsibility on all having the management of shipping. That was in accordance with the principle of the legislation of 1871 and 1873; but it was not that of the hon. Member for Derby, whose Bill would tend to greatly hamper the trade, whilst it would not really increase, but rather diminish the respon-

sibilities of the shipowners, by throwing them on the Board of Trade, which was quite incompetent to discharge all the duties which it would be asked to undertake. He protested against exceptional cases being adduced as samples of ordinary management of British ships. Probably the vessel mentioned by the hon. Member for Pembroke (Mr. E. J. Reed) as affording an ordinary instance of overloading, had a high fore-castle and quarter-deck, like the ships of the reign of Henry VIII.

MR. E. J. REED said, he referred to it not as an ordinary, but as an extraordinary case. ["Name."] He could not just then remember the name of the ship, but he would undertake to give it to his hon. Friend.

MR. NORWOOD said, he did not for a moment doubt the accuracy of the statement made by the hon. Member, but must say that in the course of 35 years' experience it was never his lot to see a foreign-going ship with her upper deck washed by the water. The Bill vested in the Board of Trade, which in the hon. Member's opinion was incompetent, the whole control of the Mercantile Marine, which amounted to something like 30,000 vessels.

MR. E. J. REED explained that he had not accused the Board of Trade of incompetency. He had merely said it required considerable improvement.

MR. NORWOOD proceeded to remark that the House would treat the Royal Commission with much disrespect and be doing great injustice to an important interest if, without having the information which would so soon be in its possession, it undertook to legislate on the lines of the present Bill. He denied that the hon. Member for Derby had the knowledge requisite to legislate on the subject, and he warned the House not to accept a measure which would act prejudicially, and which he felt certain, would not, if carried, achieve the object of its promoters. It would, in his belief, cause more loss of life than ever, for owners would feel satisfied if they kept within the hard-and-fast line laid down, and would do things which they would not dare or presume to do at present. For that reason he trusted it would not be read a second time.

ADMIRAL ELLIOT, while sympathizing with the object the hon. Member for Derby had in view, thought the Bill had been introduced at a very inopportu-

nity time, inasmuch as the Report of the Royal Commissioners had been signed that very day, and was not yet in the hands of hon. Members. It was, therefore, impossible that any satisfactory measure could be framed till the Government had had the opportunity of fully considering that Report. Another reason for not going on with the present Bill at this time was that yesterday there was referred to a Select Committee a Bill relating to the measurement of tonnage, which might to a great extent regulate one of the main provisions of the Bill of the hon. Member for Derby. He agreed with the hon. Member for the Tower Hamlets and the hon. Member for Hastings, that what Parliament should aim at was to make the shipowners responsible. If they were to throw the responsibility on the Board of Trade, it would only aggravate the evil. On the other hand, looking at the great and avoidable loss of life, there was no other way by which protection of life at sea could be secured than by limiting insurance to two-thirds or three-fourths of the value of the ship and cargo. By restricting insurance he thought the interests of the seamen might be protected, for they, not being represented in Parliament, had some difficulty in laying their case before the public, and might be considered as having a special claim upon the Legislature. It had been said that the character of our seamen had deteriorated. Now, it was in the interest of the shipowners that they should endeavour to improve their character; but they had neglected to do so by agitating for the repeal of the navigation laws. With respect to deck-loads, he was of opinion that they ought to be covered over by a spar deck, so as to afford greater facilities for working the ship. But, after all, the stowage of a ship had much to do with her safety. He knew a case of a new ship arriving at Gibraltar where the stowage had been so bad that she was completely torn to pieces on her passage out from England. He must repeat that he sympathized heartily with the object of the hon. Member for Derby, but looking at the fact that the Bill had been brought forward at the very time that the Royal Commission had signed its Report, he could not support the Motion for the second reading.

MR. T. E. SMITH said, he was glad to see that the additional experience

which the hon. Member for Derby had gained during the last few years had enabled him to bring forward a much less objectionable Bill than those which he had formerly introduced. Still, the measure had received but small commendation even from those who supported it, seeing that everyone of its details had been pulled to pieces, and that the House had been urged to improve it in Committee. He asked, would it not be an injurious precedent to give a second reading to a Bill to every detail of which objection had thus been taken? His first objection to the measure was that it would throw everything on the Board of Trade; and yet no one had been so out-spoken in denunciation of the Board of Trade as the hon. Member for Derby. And even now, the hon. Member said he was willing to strike out Clause 19—which would throw the framing of the rules on the Board of Trade—because there was no one in the Department who was capable of framing them. He believed that the measure would tend rather to increase than to decrease the loss of life at sea, and if the House wanted to save life, they ought to keep the responsibility of the shipowner intact. At present it was a misdemeanour for a shipowner to send a vessel on a voyage in an unseaworthy state. The responsibility should be kept there, and the shipowner should not be released from it by getting a certificate from the Board of Trade.

SIR CHARLES ADDERLEY said, he was glad that that important subject had been so fully discussed. A number of very interesting facts had been laid before the House; but even admitting all the facts to be correct that had been urged in favour of the Bill by its supporters, there remained to be decided the question, whether the Bill would abate or aggravate the evils complained of. That was a most material question, and if the latter, and not the former, was likely to be the result, it would certainly be a serious mischief if Parliament were misled to adopt a remedy worse than the disease. It seemed to him that the advocates of the Bill assumed to themselves a monopoly of philanthropy, which he, for one, could not concede. No doubt they were actuated by humane motives, and by a desire to abate human suffering and protect human life. But every right-minded man, whatever were his opinions, and upon

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whichever side of the House he might sit, was equally interested in that matter. The only point they had to deal with was the real merits of the Bill apart from any abstract sentiment. It was distinctly on the ground taken up by the promoters of the Bill that he opposed it. The Bill was read a second time at St. George's Hall yesterday. The ladies there assembled, together with some hon. Members of the House, came to the unanimous conclusion that the fact being admitted that there were great disasters at sea, they would give their full confidence to the hon. Member for Derby, and vote that his measure was the right one to meet the emergency. They also unanimously condemned the Board of Trade, on the ground that it had not done its duty in this matter. In arguments of that kind it was thought quite enough to approve the intention of the measure, no matter what its probable effects. But the House would consider not only the intention, but the provisions by which that intention was proposed to be carried into effect. It was often said that to carry a great measure required not only a heart, but a head. The hon. Member for Derby no doubt had a heart, but the head was wanted to carry a measure to effect the object he had in view. There could be no doubt that the hon. Member had done great service in calling public attention to the subject; but no Bill had yet been introduced by him, or by any of his supporters, which would meet the difficulties of the case. The Government were as desirous as anybody to do what was possible to reduce the casualties at sea. But with every desire to promote that great object, he felt bound to oppose the Bill. He did so for several reasons. It was both an impracticable thing, and false in theory, that the Board of Trade should be called upon to assume an indefinite control over the Mercantile Marine of this country. Strange, that the Board of Trade which, it was said, had shown itself unequal to its present task, was called upon so largely to increase the task imposed upon it. It was said that for the last two years calamities at sea had been increasing in spite of the Acts for Government survey of 1871 and 1873, and yet it was on the basis of these Acts, the House was asked to proceed much more extensively. The hon. Member had stated that 278 ships had been stopped by the Board of

Trade under the Acts of 1871 and 1873, of which 240 had been condemned, only 13 had escaped, and the rest were still *sub judice*; and on that ground the hon. Gentleman contended he was justified in bringing forward this Bill. The facts adduced only proved that the Board had been careful only to deal with really suspicious cases. But the proposed measure was not in sequence with the caution of the Acts of 1871 and 1873, but a wild assumption on the part of Government of all responsibility on the subject. What did the Bill propose? Simply this, that no ship should be allowed to clear from any port of this Kingdom until it had received a certificate from the Board of Trade of the safety of its construction, its hull, its equipment, and all its details, down to the stowage of its cargo, and that not only upon its first starting, but upon every voyage it made. The second part of the Bill dealt with the much-vexed question upon which Parliament had to reverse its policy more than once—namely, that a Government Department should certify whether a ship should be allowed a deck-load in the case of every voyage in which it was required. Thirdly it was proposed that a load-line should be ascertained, which in the opinion of most nautical authorities was impossible. It would be quite sufficient to induce the House to reject the second reading to be reminded that the subject was before a Royal Commission, which had only concluded its Report to-day. The House had asked the Crown to issue a Royal Commission to consider this very important matter; that Commission had taken evidence very extensively, and that very day had signed the manuscript of its Report; and yet the hon. Gentleman asked the House to consent to the second reading of this Bill, which dealt with one of the main subjects of that Report. But not only had the Commission offered a very elaborate Report not yet presented, but they had already given the House an indication of their mind by a preliminary Report, from which, though cautiously worded, some intimation was afforded of what were likely to be their final recommendations on three of the main topics referred to them. On the question of survey, the preliminary Report said that if a Government survey was to be of any use it must be very elaborate, and

it added that the surveys as hitherto conducted had not prevented or diminished disasters at sea. It further said that if any Government Department were to attempt to regulate all the details of shipbuilding by law such enactment would be mischievous, and would tend to restrict improvement and increase disaster, removing all private enterprise and responsibility. As to deck-loads, the preliminary Report said that, while deck-loads were prohibited by law, as they were up to 1862, the loss of life was just the same on the average. It suggested that, by friendly communications with foreign Powers, useful regulations might be made on the subject, but not by law. Upon the third point, the opinion of the Commission on their evidence was unfavourable to the attempt of fixing any load-line, and pointed to the conclusion that it would inevitably lead to the building of light and weak ships, and enhance the perils of seafaring life. He did not think, under these circumstances, the Government were likely to take any steps towards a general survey and certificate of all the Mercantile Marine, or would assume that all shipowners were guilty in the first instance, and only exculpate those who proved themselves trustworthy; but they would rather prosecute those of whom they had well-founded suspicion. The legislation of last year had worked so well, that if any further legislation was required, it should be in the same direction. It was now proposed to assume that all ships were unseaworthy, and leave the contrary to be proved, instead of when any suspicion occurred, having an inquiry into the case. At the same time, he was bound to say that it was not an unsound proposition in itself that all ships should be surveyed; but the survey of ships by a voluntary association like Lloyd's, was a totally different thing from a compulsory Government survey by the Board of Trade. The former was most useful, but the effect of the latter would be to establish one rigid rule in which no two practical authorities would agree, and which would put an end to all improvement in shipbuilding. The hon. Member proposed that ships which had been surveyed by Lloyd's or the Liverpool Association need not be surveyed by the Board of Trade; but if ships were surveyed by different bodies, they would come to be

surveyed on different principles, and a diversity of judgment would create infinitely greater mischief. Either it would increase the evil, by setting up an uncertain standard, or else, as was most likely, the Board of Trade Survey would swallow up all others, and a fixed and rigid rule, impossible in effect, and most mischievous in the attempt, would be established. Further, it would be absolutely impracticable for a Government Department to undertake such a duty as the hon. Gentleman proposed to cast upon it. Even if by the appointment of a large number of additional Inspectors, they were able to carry out some sort of universal survey in appearance, the question was, whether it would not act only as a drag on the commercial enterprise of the country, and as a bar to every improvement in the Mercantile Service. In his opinion, a Government survey would not be found to work well, even if by an army of surveyors it could be properly carried out. The system had been tried in France, and had signally failed, nor had any country thriven like England in the absence of statutory restrictions. He believed that the enactments recently made, by which the Board of Trade were empowered, on sufficient evidence, to inquire and determine as to the seaworthiness of vessels reported to them, were the wisest for the purpose. He had shown that those who advocated this Bill did so simply on the ground of humane and good intentions. But, while all were agreed as to the good intention, there was a wide difference of opinion as to the probable effect of the Bill; and, in his view, nothing could be more disastrous to the interests of the Merchant Service and of seafaring life than its proposals. He chiefly objected to the Bill because the Royal Commission had just signed a Report upon its subject. The last and the present Government had given every assistance to that Commission, and had shown that they fully appreciated the primary importance of the subject. He therefore thought it would be self-stultification to give a decision upon a principle which was dealt with in the Report of their own requiring. He did not mean to imply that the Government were opposed to legislation on the subject. On the contrary, they were waiting for the forthcoming Report and evidence,

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anxious to do all they could to promote judicious reforms; but those would have to be based upon the required evidence, and would be influenced by the authority, and careful consideration of the Commission. For that reason, he would ask the hon. Member for Derby not to divide the House on the second reading of a Bill which they could not proceed with without stultifying themselves, and which would gravely, if not hopelessly, impede the very important legislation they wished for.

MR. HORSMAN said, the right hon. Gentleman the President of the Board of Trade seemed to have forgotten that they were asked to vote for the principle of the Bill on the second reading, for nearly all the objections the right hon. Gentleman had urged were objections that ought to be considered in Committee. In fact, all the speeches against the Bill, whether of Royal Commissioners, shipowners, or officials of the Board of Trade past and present, were speeches that avoided the principle of the Bill and dealt only with details. The noble Lord opposite (Lord Easington) pointed out certain loopholes in the Bill; the hon. Member for Derby would be glad to have them stopped up in Committee. The noble Lord said the proposed legislation was for the minority of shipowners; well, was not nearly all legislation for the minority? Was it not so in the case of the Factories Bill and the Intoxicating Liquors Bill? Was the House to refrain from legislating for a minority of shipowners because the majority was highly respectable? He attached the greatest weight to the Report of the Commissioners; but the second reading of this Bill would not clash with that Report. They were in this position—on a subject on which the public felt great interest, and on which the hon. Member for Derby had deservedly and meritoriously carried public sympathy with him, they were asked, by the second reading of the Bill, merely to affirm a principle, knowing that at that period of the Session the Bill could go no further. Was it too much to ask, when every objection to the Bill was an objection to its details, and when not one Member would say he did not affirm the principle, that they should vote for the second reading of a Bill to regulate and control improper loading? If they rejected the Bill, the public out-of-doors

would put an erroneous construction upon their conduct, by inferring that the Government was opposed to the hon. Member for Derby, and that the ship-owners had beaten the seamen. He did not, at any rate, wish to give room for such a construction, and maintained that by affirming the principle of the Bill they would carry public sympathy and approval with them, and avoid the misconception which must follow the rejection of the Bill. For those reasons he hoped the Bill would be read a second time, and the question left in the hands of the Government.

Mr. PLIMSOLL rose to reply, when—

Mr. SPEAKER said, he must remind the hon. Gentleman that he could only speak if he wished to make any explanation to the House as to the course he proposed to take with respect to his Motion.

Mr. PLIMSOLL said, in that case, he would not make another remark. All he wanted was a division on the question.

Mr. GREGORY said, that so far from the debate having turned upon details, it had in reality hinged upon principle, and it was to that principle that the Government very properly objected. That principle was, that the Board of Trade should be held to be responsible for the seaworthiness of all ships that went to sea. He contended that the Board of Trade should not be called upon to take the responsibility of a general and compulsory inspection, especially as the Minister at the head of that Department had declined to accept the responsibility.

Mr. KAY-SHUTTLEWORTH moved the adjournment of the debate.

Motion made, and Question, "That the Debate be now adjourned,"—(*Mr. Kay-Shuttleworth*),—put, and *negatived*.

Mr. BECKETT-DENISON said, he wished to protect himself against a misconception which might arise out-of-doors if they refused to pass the second reading. The people of this country were so well informed of what passed in that House, that he personally had no fear of being misunderstood when he voted against the second reading of the Bill before the Report of the Royal Commission was presented.

Original Question put.

The House divided:—Ayes 170; Noes 173: Majority 3.

AYES.

Anderson, G.	Hill, T. R.
Anstruther, Sir W.	Hodgson, K. D.
Antrobus, Sir E.	Holt, J. M.
Archdale, W. H.	Hopwood, C. H.
Ashbury, J. L.	Horsman, rt. hon. E.
Ashley, hon. E. M.	Ingram, W. J.
Balfour, Sir G.	James, Sir H.
Barclay, A. C.	Jenkins, D. J.
Bass, A.	Johnston, W.
Bass, M. T.	Kensington, Lord
Beaumont, Major F.	Kinnaird, hon. A. F.
Beresford, Colonel M.	Knightley, Sir R.
Biddulph, M.	Lawrence, Sir J. C.
Biggar, J. G.	Lawson, Sir W.
Birley, H.	Leatham, E. A.
Boord, T. W.	Legard, Sir C.
Brady, J.	Leigh, Lt.-Col. E.
Briggs, W. E.	Leith, J. F.
Brise, Colonel R.	Lewis, C. E.
Brooks, W. C.	Lewis, O.
Burrell, Sir P.	Lloyd, M.
Burt, T.	Locke, J.
Callender, W. R.	Macartney, J. W. E.
Cameron, C.	Macdonald, A.
Chambers, Sir T.	Macgregor, D.
Cholmeley, Sir H.	Mackintosh, C. F.
Clarke, J. C.	M'Combie, W.
Clifford, C. C.	M'Lagan, P.
Clive, G.	M'Laren, D.
Collins, E.	Martin, J.
Conyngnam, Lord F.	Martin, P. W.
Corbett, J.	Mellor, T. W.
Cordee, T.	Melly, G.
Cotes, C. C.	Milles, hon. G. W.
Cowan, J.	Monk, C. J.
Cowen, J.	Morgan, G. O.
Crawford, J. S.	Morley, S.
Cross, J. K.	Mure, Colonel
Crossley, J.	Noel, E.
Dick, F.	Nolan, Captain
Douglas, Sir G.	O'Clery, K.
Downing, M'C.	O'Connor, D. M.
Duff, R. W.	O'Gorman, P.
Dunbar, J.	O'Loghlen, rt. hon. Sir
Earp, T.	C. M.
Edwards, H.	O'Shaughnessy, R.
Egerton, Adm. hon. F.	O'Sullivan, W. H.
Elliee, E.	Palmer, C. M.
Evans, T. W.	Pennington, F.
Fletcher, I.	Perkins, Sir F.
Foljambe, F. J. S.	Polhill-Turner, Capt.
Fordeyce, W. D.	Potter, T. B.
Forster, Sir C.	Powell, W.
French, hon. C.	Power, J. O'C.
Gardner, R. Richard-	Power, R.
son-	Praed, H. B.
Goddard, A. L.	Price, W. E.
Gore, J. R. O.	Ramsay, J.
Gray, Sir J.	Rashleigh, Sir C.
Greenall, G.	Redmond, W. A.
Halsey, T. F.	Reed, E. J.
Hamilton, Lord C. J.	Reid, R.
Hankey, T.	Richard, H.
Hardcastle, E.	Ripley, H. W.
Harrison, J. F.	Robertson, H.
Hay, rt. hn. Sir J. C. D.	Ronayne, J. P.
Hayter, A. D.	St. Aubyn, Sir J.
Herbert, H. A.	Samuda, J. D'A.
Hervey, Lord F.	Scott, M. D.
Hick, J.	Shaw, R.

Shaw, W.
Sheil, E.
Sheridan, H. B.
Sherlock, Mr. Serjeant
Sherriff, A. C.
Sidebottom, T. H.
Simon, Mr. Serjeant
Sinclair, Sir J. G. T.
Stafford, Marquis of
Stanhope, W. T. W. S.
Stanton, A. J.
Starkey, L. R.
Stewart, M. J.
Sullivan, A. M.
Swanston, A.
Taylor, P. A.
Temple, rt. hon. W.
Cowper-
Tennant, R.

Tracy, hon. C. R. D.
Hanbury-
Villiers, rt. hon. C. P.
Vivian, H. H.
Waddy, S. D.
Wait, W. K.
Watkin, Sir E. W.
Whalley, G. H.
Wheelhouse, W. S. J.
Whitelaw, A.
Whitwell, J.
Wilson, Sir M.
Yeaman, J.
Yorke, hon. E.
Young, A. W.

TELLERS.

Forsyth, W.
Plimsoil, S.

NOES.

Adderley, rt. hn. Sir C.
Agnew, R. V.
Alexander, Colonel
Allsopp, S. C.
Arkwright, F.
Arkwright, R.
Assheton, R.
Baggallay, Sir R.
Bailey, Sir J. R.
Ball, rt. hon. J. T.
Barclay, J. W.
Barttelot, Colonel
Bates, E.
Baxter, rt. hon. W. E.
Beach, rt. hn. Sir M. H.
Beach, W. W. B.
Bective, Earl of
Bentinck, G. C.
Bolckow, H. W. F.
Booth, Sir R. G.
Bourke, hon. R.
Bourne, Colonel
Bowyer, Sir G.
Brassey, T.
Bright, R.
Broadley, W. H. H.
Brown, A. H.
Brymer, W. E.
Buxton, Sir R. J.
Campbell, C.
Campbell - Bannerman,
H.
Cave, rt. hon. S.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Chaine, J.
Chapman, J.
Clifton, T. H.
Close, M. C.
Clowes, S. W.
Cochrane, A. D. W. R. B.
Cole, hon. Col. H. A.
Corbett, Colonel
Corry, hon. H. W. L.
Corry, J. P.
Crichton, Viscount
Cross, rt. hon. R. A.
Cubitt, G.
Cust, H. C.
Dalkeith, Earl of
Dalrymple, C.

Dalway, M. R.
Denison, C. B.
Duff, M. E. G.
Dundas, J. C.
Edmonstone, Adm. Sir
W.
Egerton, hon. A. F.
Elliot, Admiral
Eslington, Lord
Estcourt, G. B.
Feilden, H. M.
Fellowes, E.
Ferguson, R.
Fitzwilliam, hon. C.
W. W.
Folkestone, Viscount
Forester, rt. hon. Gen.
Freshfield, C. K.
Gallwey, Sir W. P.
Galway, Viscount
Gardner, J. T. Agg-
Garnier, J. C.
Gore, W. R. O.
Gourley, E. T.
Gregory, G. B.
Grieve, J. J.
Hamilton, hon. R. B.
Hamond, C. F.
Hanbury, R. W.
Henley, rt. hon. J. W.
Herschell, F.
Hervey, Lord A. H.
Holford, J. P. G.
Holker, J.
Holland, S.
Holmesdale, Viscount
Hood, Captain hon. A.
W. A. N.
Hope, A. J. B. B.
Hubbard, E.
Huddleston, J. W.
Hunt, rt. hon. G. W.
Johnstone, H.
Jolliffe, hon. Captain
Jones, J.
Kay - Shuttleworth,
U. J.
Knight, F. W.
Lacon, Sir E. H. K.
Laing, S.
Learmonth, A.

Lee, Major V.
Leeman, G.
Lefevre, G. J. S.
Legh, W. J.
Lealie, J.
Lloyd, S.
Lloyd, T. E.
Lopes, H. C.
Lopes, Sir M.
Lorne, Marquis of
Lowther, J.
Mahon, Viscount
Majendie, L. A.
Makins, Colonel
Manners, rt. hn. Lord J.
Marten, A. G.
Matheson, A.
Maxwell, Sir W. S.
Mills, Sir C. H.
Monck, Sir A. E.
Montgomerie, R.
Montgomery, Sir G. G.
Mowbray, rt. hn. J. R.
Naghten, A. R.
Newport, Viscount
Northcote, rt. hon. Sir
S. H.
Norwood, C. M.
O'Neill, hon. E.
Onslow, D.
Paget, R. H.
Palk, Sir L.
Parker, Lt. Col. W.
Pateshall, E.
Peel, A. W.
Pell, A.
Pender, J.
Peploe, Major
Percy, Earl
Pim, Captain B.
Price, Captain

Rathbone, W.
Read, C. S.
Rendlesham, Lord
Repton, G. W.
Ridley, M. W.
Round, J.
Salt, T.
Sandon, Viscount
Sclater-Booth, rt. hn. G.
Scourfield, J. H.
Selwin - Ibbetson, Sir
H. J.
Smith, E.
Smith, S. G.
Smith, W. H.
Smollett, P. B.
Somerset, Lord H. R. C.
Stanley, hon. F.
Stevenson, J. C.
Sykes, C.
Talbot, C. R. M.
Talbot, J. G.
Taylor, rt. hon. Col.
Tollemache, W. F.
Tremayne, J.
Trevor, Lord A. E. Hill.
Turner, C.
Turnor, E.
Vance, J.
Wallace, Sir R.
Walsh, hon. A.
Waterhouse, S.
Welby, W. E.
Williams, W.
Wilmot, Sir H.
Wilson, C.
Yorke, J. R.

TELLERS.

Dyke, W. H.
Winn, R.

WAYS AND MEANS.

Resolutions [June 23] reported;

1. "That in lieu of the Duties of Customs now chargeable on the articles hereinafter mentioned, upon their being imported or brought into the Isle of Man, the following Duties shall be charged on and after the twenty-fifth day of June, one thousand eight hundred and seventy-four (that is to say) on

Spirits, viz:—

£ s. d.

Brandy, Geneva, and all Foreign
Spirits not being Liqueurs, Cor-
dials, or Perfumed Spirits

the gallon 0 8 6

Rum of the British Possessions

the gallon 0 6 6

British or Irish Spirits not other-
wise exempted from payment of
Duty

the gallon 0 6 6

Such Spirits not exceeding the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon."

2. "That on and after the twenty-fifth day of June, one thousand eight hundred and seventy-four, there shall be charged and paid upon the following Goods Imported or brought

into the Isle of Man, the Duties of Customs following (that is to say) : on

Ale or Beer, according to the specific gravity of the Worts before fermentation, as set forth in the following Table :—

Table.

If the degrees of specific gravity be	And if the degrees of specific gravity be less than	Duty the barrel of 36 gallons.
		£ s. d.
	1040	0 2 0
1040	1045	0 2 6
1045	1050	0 3 0
1050	1055	0 3 6
1055	1060	0 4 0
1060	1065	0 4 6
1065	1070	0 5 0
1070	1075	0 5 6
1075	1080	0 6 0
1080	1085	0 6 6
1085	1090	0 7 0
1090	1095	0 7 6
1095	1100	0 8 0
1100	1105	0 8 6
1105	1110	0 9 0
1110	1115	0 9 6
1115	1120	0 10 0
1120	1125	0 10 6
1125 or more		0 11 0"

3. "That a Drawback shall be allowed on the exportation or removal of Ale or Beer brewed in the Isle of Man equal in amount to the Duty which shall have been paid upon such Ale or Beer under the authority of any Acts passed or to be passed by the Legislative Authority of the said Isle."

4. "That on and after the twenty-fifth day of June, one thousand eight hundred and seventy-four, the Duties of Customs now chargeable on Sugar and Molasses on their being Imported or brought into the Isle of Man, shall cease and determine."

5. "That it is expedient to amend the Laws relating to the Duties of Customs in the Isle of Man."

Resolutions agreed to :—Bill ordered to be brought in by Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY SMITH.

HERRING FISHERY (CLOSE TIME) (SCOTLAND) BILL.

On Motion of The Marquess of LORNE, Bill for a Weekly Close Time in the Scottish Herring Fishery, ordered to be brought in by The Marquess of LORNE, Mr. RAMSAY, and Mr. DALRYMPLE.

Bill presented, and read the first time. [Bill 167.]

BANKERS BOOKS EVIDENCE BILL.

On Motion of Mr. SALT, Bill to amend the Law of Evidence as to Bankers Books, ordered to be brought in by Mr. SALT, Sir JOHN LUBBOCK, Mr. WATKIN WILLIAMS, Mr. BACKHOUSE, and Mr. SAMPSON LLOYD.

Bill presented, and read the first time. [Bill 166.]

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COUNTY OF HERTFORD AND LIBERTY OF SAINT ALBAN BILL.

Select Committee nominated :—Mr. COWPER, Mr. HALSETT, Mr. ROUND, Sir JOHN ST. AUBYN, and Three Members to be added by the Committee of Selection; Five to be the quorum.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 25th June, 1874.

MINUTES.]—SELECT COMMITTEE—Representative Peerage of Scotland and Ireland, nominated.

PUBLIC BILLS—First Reading—Colonial Attorneys Relief Act Amendment* (134); Working Men's Dwellings* (135); Glebe Lands Sale* (136); Cruelty to Animals Law Amendment* (137).

Second Reading—Alkali Act (1863) Amendment (115); Militia Law Amendment* (110).

Committee—Report—Herring Fishery Barrels* (104); Canadian Stock (Stamp Duty on Transfers)* (124).

Report—Married Women's Property Act (1870) Amendment* (85).

Third Reading—Public Worship Regulation (123); Supreme Court of Judicature Act (1873) Amendment (128); Holyhead Old Harbour Road* (83).

ALKALI ACT (1863) AMENDMENT BILL.

(No. 115.)—(The Lord Walsingham.)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD WALSHINGHAM, in moving that the Bill be now read the second time, said, its object was to amend the Alkali Act of 1863. That Act was framed and passed as the result of an inquiry made under the direction of the late Lord Derby, who moved that a Committee should be appointed to consider the effect of noxious vapours evolved in certain manufacturing processes. The operation of the Act was limited to works for "the manufacture of alkali; sulphate of soda, or sulphate of potash in which muriatic acid gas is evolved." At the time when that Act was passed there were not a very large number of such works in existence; and although the damage done owing to the absence of any precautions against the

escape of noxious gases was considerable, it was thought to be sufficient by the provisions of that Act to secure that not more than 5 per cent of the muriatic acid gas evolved should be permitted to escape, while the other 95 per cent should be condensed to the satisfaction of an Inspector appointed under the Act. Since that time the alkali works had increased to the number of 130 or 140, distributed chiefly along the banks of the Mersey and the Tyne. There were some 30 in Lancashire and Cheshire, and the rest scattered—2 near Bristol, 4 or 5 in Staffordshire, 6 or 7 in Ireland, and 7 or 8 in Scotland. And whereas the Act of 1863 was sufficient to control the effect of the smaller number of works, it had been found utterly insufficient to prevent very serious damage from being done, now that the number of works had so largely increased. The nature of the damage was such as to destroy the vegetation, annihilating the trees and crops in the neighbouring country, and rendering it almost uninhabitable. It had been supposed that the health of the cattle was affected by the deposit of poisonous acids upon the food which they ate; and it was beyond dispute that the value of the land for purposes of cultivation was very considerably reduced. One of the chief points in this Bill was the new test proposed to be applied. It was obvious that whereas 5 per cent of the whole quantity evolved might not be of any serious consequence when the works were few and the quantity therefore limited, 1 per cent. might now cause greater injury, since there were a much greater number of works; and it was proposed by this Bill to provide that the muriatic acid gas evolved in such work should be condensed to such an extent that in each cubic foot of air, smoke, or chimney gases escaping from the works into the atmosphere, there should not be contained more than one fifth part of a grain of muriatic acid. There were two advantages in this new test. The first was that without unduly interfering with the business of the manufacturers, the majority of whom had shown themselves quite able to keep within these limits, it would materially diminish the quantity of this noxious gas daily distributed; and, secondly, it would prevent what was quite possible under the old Act—namely, the discharge of a

Lord Walsingham

large quantity during one hour, although during the 24 hours the average was not sufficient to cause any infringement of the Act. It had been proved that in certain states of the atmosphere the mischief occasioned by the escape of these gases was greater than at other times, and it was found that often in a single night the leaves of the trees were made to droop or the crops were destroyed by some sudden or unusual escape. This was more especially the case with fruit trees and seed crops when in bloom. There were various manufactures from which these nuisances arose. There was the manufacture of soda, evolving muriatic acid gas; of sulphuric acid, evolving nitrous acid; of ammonia salts, evolving sulphuretted hydrogen; and, moreover, the process of smelting copper, evolving large quantities of sulphurous acid—perhaps the most injurious of all. The reason why the operation of the Act of 1863 was confined to muriatic acid appeared to have been that no sufficient method of condensation had at that time been devised for the other gases evolved; and although in some cases, perhaps, it might be difficult, even now, for an Inspector to test their qualities and to suggest means for their reduction, yet science had so far advanced that it might be hoped that there would be no practical objection to the requirements of the Bill in this respect. It appeared from the report of the Inspectors in 1872 that a large quantity of sulphuric and sulphurous acids was allowed to escape from the copper-smelting works, and that they had proved highly destructive to vegetation. It was therefore proposed by this Bill to include "the formation of any sulphate in the treatment of copper ores by common salt or other chlorides as a manufacture of sulphate of soda" within the meaning of the Act. He believed there were about 12 of these works at Birmingham, Newcastle, Glasgow, &c. The owners were for the most part large capitalists, and the adoption of this Act would not put them to any serious expense. It was provided by the 5th clause that in addition to the condensation of muriatic gas, the owner of every alkali work should use the best practicable means of preventing the discharge of all other noxious gases from his works, and in the event of neglect to

do so was made liable to a heavy penalty. It was hoped that the adoption of this Bill would secure the removal of a serious nuisance, against which the remedies hitherto provided were now quite insufficient, owing to the large increase of the manufacture. There had been always a great difficulty in tracing the damage done to any particular works,—it was done at night and in a few hours,—and those by whose carelessness or neglect it was caused often escaped unpunished. The Bill could not be regarded as an interference with the trade of the various manufacturers; indeed, it might be said that in one way it would be an economy to them, inasmuch as the muriatic acid saved by the process of condensation was a marketable commodity, and of value in many branches of industry; while sulphuric acid was even more valuable—and for that reason it had been argued that it was less necessary to insist that it should not be wasted; but it was also held to be more injurious to vegetation than muriatic acid. The manufacturers had been consulted upon this Bill, and had behaved extremely well. They had shown every inclination to meet the wishes of the Government in carrying out its provisions, and the Bill was intended, so far as it was possible, to be in conformity with their wishes and interests, while affording that protection which was due to the public.

Moved, "That the Bill be now read 2^a."—(*The Lord Walsingham*.)

THE EARL OF RAVENSWORTH said, that the Government had in his opinion done well in proposing this Extension of the Act of 1863, though he thought legislation on the subject might well be carried still further. The Act of 1863 was practically a dead letter, and fresh legislation in the same direction was daily becoming more and more necessary.

LORD EGERTON also thought that further legislation in the direction of this Bill was much required, and expressed his concurrence with the opinion of the noble Earl who had preceded him, that the Act of 1863 was practically inoperative in respect of a very great evil.

Motion agreed to, Bill read 2^a accordingly, and committed to a Committee of the Whole House on Tuesday next.

PUBLIC WORSHIP REGULATION BILL.

(*The Lord Archbishop of Canterbury*.)

(Nos. 30, 62, 96, 96*, 123.) THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^a."—(*The Lord Archbishop of Canterbury*.)

LORD LYTTLETON said, that he had supported—or rather he had not opposed—the Bill, for a reason which seemed paradoxical, but was sometimes sound, that he thought it would in some respects work badly. He indeed thought the machinery it proposed to set in motion not the best. He regretted the loss of the ancient judicial power of the Bishop, and did not see the necessity for setting up any new tribunal. If the proposal had been simply that the Bishop should act with his Chancellor, who should be a good lawyer, and that there should be one single appeal to the new Court of Appeal about to be created, that would have been enough. Still, he did not doubt it would so far work fairly well; nor could he dissent from those who condemned those clergymen who set at defiance the law of the land. As he understood it, they held there were two supreme laws in the country, one of the State, the other of the Church. This question was raised about what was known as the Purchas Judgment, which was said to be bad law. It was open to anyone to say that—he himself believed that the judgment in the Purchas Case was not good law—being inconsistent with what had been declared to be the settled law. It was stated that it was a judgment obtained by fraud, and in an undefended case. Well, all that, if it were so, might form a ground for getting the judgment reversed. But these persons went on to say that because the law was bad, they would not obey it. Now, that was rebellion. Of course it might be said that sometimes rebellion was justifiable, and the case of Hampden and the Ship Money might be cited. But that was one of those cases which were said to be "justified by success;" and it had always been held by casuists that they could not be drawn into precedents. Until a judgment was reversed it was law and ought to be obeyed. He was aware that that judgment did not *proprio vigore* bind all the clergy, but only if they were required by their

examine witnesses, and to report merely whether there is a *prima facie* case for proceeding further. If the person charged is reported against, he can either submit, and the Bishop may sentence him, and the matter is at an end; or if he does not submit, the next stage is the hearing before the Bishop, which is not the hearing in the Consistorial Court which the noble Lord at the Table (Lord Lyttelton) just now lamented the loss of, but a special hearing before the Bishop and three Assessors, one of whom is to be an Advocate of five years' standing, another the Dean of his cathedral, church, or his Archdeacon or Chancellor, and the third any person whatever. The Bishop has not to pronounce his decision by his Assessors, as in the Consistory Court, but if he pleases, may decide against the will and judgment of the Assessors. The third stage is an appeal to the Provincial Court in which the diocese is situated; and the fourth and final stage is an appeal to Her Majesty in Council. There is no security taken for costs and these four hearings, with all the attendant expenses. Now, it may be said that these four hearings are in themselves a protection of which a clergyman ought not to be deprived. But there is another and shorter course which may be taken under the Church Discipline Act. The clergyman has not a right to all these stages, because the Bishop may dispense with the inquiry before the Commissioners and with the hearing before himself, and at once send the case to the Provincial Court, from which there would be, as before, an appeal to the Queen in Council. Those are the two courses which may be taken under the Church Discipline Act; but I must say a word more with regard to the Act itself. Your Lordships have heard in this House about the enforcing a decree *pendente lite*. Now, there is a provision in the Church Discipline Act which may perhaps have escaped your Lordships' notice, but which, I must confess, I have never read without a feeling of profound amazement—for, as far as I am aware, it is a provision which is utterly unknown in any other branch or part of our law. By this provision the Bishop may at any time after proceedings have commenced, and while the guilt or innocence of the person accused is still undetermined, of his own mere motion absolutely inhibit and suspend the clergy-

man from the performance of the whole of his functions, may turn him out of his church and out of his parish, may replace him by another clergyman, whose recompense is to be defrayed out of the profits of the benefice, and may issue a sequestration of the revenues. The Bishop has this power absolutely if he can bring himself to think that scandal would ensue from the clergyman continuing to exercise his functions, or that the ministration of the clergyman while the charge was undetermined would be useless. Now, that is the culminating provision of the Church Discipline Act, to which the clergy have been subjected for the last 34 years, and from which they will be liberated by the passing of this Bill. Now, let me ask your Lordships to compare this with the provisions of the present Bill. Under this Bill what I may term official complaints are to be made. The Bishop is not to proceed, as under the Church Discipline Act, on the motion of any person, but he must be put in motion either by the Archdeacon, the Rural Dean, the churchwarden, or by three parishioners of the parish, whose combination is of itself a proof of the interest they take in the affairs of the parish; and they are even then to make a special declaration provided in this Bill. The Bishop is to retain the discretion he at present possesses, as to whether he will proceed or not; but if he declines to proceed he must give his reasons in writing. Security for costs is to be required by this Bill as it stands. Then, there is to be a hearing before the Judge to be appointed under this Bill, and that Judge is charged with the duty of simplifying the facts and reducing them to a special case which will become a statement of the matter at issue between the parties. If any one is not satisfied an appeal is provided. The clause, however, provides that if at an earlier stage the parties are willing to accept the decision of the Bishop without appeal the matter may thus be settled. With regard to the execution of the appeal, the Ultimate Court of Appeal has the right to suspend the execution of the decree if it thinks fit. I have gone over these points of difference in order to compare the present state of the law with the change effected by this Bill. Perhaps I may be asked, what, in substance and in words, the changes proposed by this Bill really

The Lord Chancellor

bear in mind that the same opportunity of acquiring knowledge on those points is not enjoyed by various classes out-of-doors, and especially by persons in distant parts of the country. I believe that views were taken up out-of-doors on this measure in its early form, and that views were taken up out-of-doors of the various Amendments which were founded on entire misapprehension; and, further, I feel convinced that considerations applicable not to the Bill in its present shape, but to the Bill in its original form, and applicable not to the Amendments which had been adopted, but to changes which were proposed and not adopted, continue to influence the minds of those who are not fully aware of the nature of the alterations which have really been made in the Bill. I do not, therefore, my Lords, propose to enter into the question whether the changes that have been made in this Bill are expedient or inexpedient. The object I have in view is to call your Lordships' attention to what the Bill is now with reference to the state of the law. I observe the statement made, and frequently repeated, that this Bill contains an attack or an assault on doctrine. I do not know whether that supposition would be or would not be correct if some of the changes which were proposed had been adopted by your Lordships; but I think I am right in stating as to the Bill in its present shape that it is an entire misapprehension to suppose that in any part, from beginning to end, it deals with doctrine. No offence is created by this Bill either as to doctrine or as to ritual. One clause, and only one clause, contains a reference to acts which are illegal, and your Lordships anxiously considered every word of that clause, and required that it should only be an expression of acts which are now illegal, and should not create any new illegality. And that clause, so far from touching doctrine, touches nothing but the question of ritual, and the question of the structure and adornments of churches. So much for the statement that the Bill is an attack on doctrine. Another statement is that the Bill alters for the worse the status of the clergy of the Church. Under the present law clergymen are subjected to certain legal processes for certain offences, and the statement that the status of the clergy is altered by this Bill would mean that some new and un-

precedented mode of dealing with those offences, and a mode of which the clergy have a right to complain, is introduced by this Bill. Now, the Bill appears to me to be simply one by which the procedure is changed to a considerable extent; and I am at a loss to understand the argument that the clergy are possessed of any vested estate in the delays, or expenses, or cumbrousness of the present legal machinery, and can on that ground fairly resist any change. That was not the view of the clergy when the Church Discipline Act was passed; and if that argument had any weight now I do not see why the laity might not equally pretend, with regard to civil proceedings, that they had a vested interest in whatever imperfections existed in the law, and why they might not refuse to assent to any alteration whatever. Let me now point out to your Lordships what has been the nature of the procedure to which the clergy have been subjected for the last 34 years, and then ask your Lordships to compare them with the changes made by this Bill. The procedure under the Church Discipline Act, passed in 1840 for dealing with ecclesiastical offences, is twofold. The longer course of procedure is this:—Under the Church Discipline Act proceedings may be taken against a clergyman who is supposed to have committed some offence against the ecclesiastical law upon the motion of any person whatever. The Bishop may commence proceedings either by his own mere motion or on the application of any other person; and the proceedings may be taken, too, without any security being taken for the payment of costs. The Bishop may, indeed, if he is called upon to proceed for his own protection, ask the person who puts him in motion to give him some security for his costs; but, as far as the person proceeded against is concerned, no security whatever can be demanded. Then, the Bishop has a discretion, as he has under this Bill, as to whether or not he will proceed. Supposing him to proceed, the first step in the longer process is to issue a commission of inquiry, one member of the commission being the Vicar-General, another an Archdeacon or a Rural Dean within the diocese, and the remainder being persons whom the Bishop may think fit to appoint. These five persons are to hold an inquiry, to summon and

Ordinary to obey it; but that was not material, as the clergy in question declared they would not in any event obey it. Now, in regard to many of the points of dispute, he could not but think that if St. Paul were among us now and heard the disputes raised upon them, being matters of ornament and ceremonial, we might say of him, as he said of some in his day, "Would he not say that ye were mad?" It was admitted that position was only symbolic; and no symbol could be essential. He was ashamed that, in the presence of the Roman Catholic Members of that House, and of the Dissenters outside it, such questions should be discussed among Churchmen in a manner which exposed the Church and religion to the attacks of scoffers. As to remedies, he believed the true remedy was to "grasp the nettle" and enter on a revision of the law. He had said that he thought the Bill might do good because it would work badly; meaning this, that they were attempting to put in force a law which was intricate, inconsistent, partly obsolete; and it would force on them the necessity of further measures. He was glad to hear that the question of the revision of the Rubrics was to be again referred to Convocation by Letters of Business, and if this Bill passed it would bring on the question of Convocation itself and lead to the reform of that body. Years ago he expressed his opinion as to the necessity of such a reform, both in the interest of the clergy, which Convocation imperfectly represented, and of the laity, which it did not represent at all. In his opinion, the proper way would be to amend the law by allowing large liberty in both directions. No doubt there would be need for discretion as to what should be allowed within the limits, for what might be legal might not always be expedient. But that discretion should be in the hands of the Bishops, and, he thought, should be largely exercised according to the feelings of the congregations. Take the case of two churches in Marylebone, St. Andrews' and All Saints'. It would be tyranny to interfere with them—they did no harm to others, and for themselves they were the best judges. He could not but express his earnest hope that this Bill would not be administered in a one-sided way. It had been assumed by many persons that it must be unilateral; that it was to be

used only against the "Romanizers;" and the most rev. Primate had told them that this was a great crisis for the principles of the Reformation. Those principles—that was, those of the English Reformation—they all wished to uphold, but they were not by any means what some ultra-Protestants in those days supposed. Whether the Bill worked well or ill, it would, he thought, tend to bring about a more perfect measure.

THE LORD CHANCELLOR: My Lords, the question which it will be my duty to put in a few minutes to your Lordships will be, "That this Bill be now read a third time;" and at this stage of the measure I should think I departed widely from my duty if I attempted to enter into arguments or criticism as to the merits or the demerits of this Bill or of any one of its details. But I cannot but think it may be useful if I delay your Lordships for a short time while I call attention to another consideration with reference to this measure. I have seldom seen a measure passing through Parliament the effect and scope of which seem to have been so much misunderstood and misapprehended out-of-doors as have been the effect and scope of the one now before your Lordships. I am not altogether surprised that this should have been the case—for this is a measure which has been altered very largely from time to time during its progress through the House. I do not say that to impute blame to anyone in regard of this Bill. I believe it was almost a necessity in a case of this kind; and the forms of Parliament contemplate and provide for changes in a Bill during its progress through both Houses of Parliament. When a Bill passes with but little change, I think it generally happens that the absence of change proceeds from a want of interest in the matter with which it deals; and I am not surprised that in a Bill dealing with a question which so deeply interests public opinion, large changes should have been made during its progress through your Lordships' House. But although your Lordships have been aware, from the materials at your command, or from your presence on the various occasions when the Bill has been under discussion, of the nature of the Bill itself, and of the various Amendments which have been made in it, your Lordships must

Lord Lyttelton

bear in mind that the same opportunity of acquiring knowledge on those points is not enjoyed by various classes out-of-doors, and especially by persons in distant parts of the country. I believe that views were taken up out-of-doors on this measure in its early form, and that views were taken up out-of-doors of the various Amendments which were founded on entire misapprehension; and, further, I feel convinced that considerations applicable not to the Bill in its present shape, but to the Bill in its original form, and applicable not to the Amendments which had been adopted, but to changes which were proposed and not adopted, continue to influence the minds of those who are not fully aware of the nature of the alterations which have really been made in the Bill. I do not, therefore, my Lords, propose to enter into the question whether the changes that have been made in this Bill are expedient or inexpedient. The object I have in view is to call your Lordships' attention to what the Bill is now with reference to the state of the law. I observe the statement made, and frequently repeated, that this Bill contains an attack or an assault on doctrine. I do not know whether that supposition would be or would not be correct if some of the changes which were proposed had been adopted by your Lordships; but I think I am right in stating as to the Bill in its present shape that it is an entire misapprehension to suppose that in any part, from beginning to end, it deals with doctrine. No offence is created by this Bill either as to doctrine or as to ritual. One clause, and only one clause, contains a reference to acts which are illegal, and your Lordships anxiously considered every word of that clause, and required that it should only be an expression of acts which are now illegal, and should not create any new illegality. And that clause, so far from touching doctrine, touches nothing but the question of ritual, and the question of the structure and adornments of churches. So much for the statement that the Bill is an attack on doctrine. Another statement is that the Bill alters for the worse the status of the clergy of the Church. Under the present law clergymen are subjected to certain legal processes for certain offences, and the statement that the status of the clergy is altered by this Bill would mean that some new and un-

precedented mode of dealing with those offences, and a mode of which the clergy have a right to complain, is introduced by this Bill. Now, the Bill appears to me to be simply one by which the procedure is changed to a considerable extent; and I am at a loss to understand the argument that the clergy are possessed of any vested estate in the delays, or expenses, or cumbrousness of the present legal machinery, and can on that ground fairly resist any change. That was not the view of the clergy when the Church Discipline Act was passed; and if that argument had any weight now I do not see why the laity might not equally pretend, with regard to civil proceedings, that they had a vested interest in whatever imperfections existed in the law, and why they might not refuse to assent to any alteration whatever. Let me now point out to your Lordships what has been the nature of the procedure to which the clergy have been subjected for the last 34 years, and then ask your Lordships to compare them with the changes made by this Bill. The procedure under the Church Discipline Act, passed in 1840 for dealing with ecclesiastical offences, is twofold. The longer course of procedure is this:—Under the Church Discipline Act proceedings may be taken against a clergyman who is supposed to have committed some offence against the ecclesiastical law upon the motion of any person whatever. The Bishop may commence proceedings either by his own mere motion or on the application of any other person; and the proceedings may be taken, too, without any security being taken for the payment of costs. The Bishop may, indeed, if he is called upon to proceed for his own protection, ask the person who puts him in motion to give him some security for his costs; but, as far as the person proceeded against is concerned, no security whatever can be demanded. Then, the Bishop has a discretion, as he has under this Bill, as to whether or not he will proceed. Supposing him to proceed, the first step in the longer process is to issue a commission of inquiry, one member of the commission being the Vicar-General, another an Archdeacon or a Rural Dean within the diocese, and the remainder being persons whom the Bishop may think fit to appoint. These five persons are to hold an inquiry, to summon and

examine witnesses, and to report merely whether there is a *prima facie* case for proceeding further. If the person charged is reported against, he can either submit, and the Bishop may sentence him, and the matter is at an end; or if he does not submit, the next stage is the hearing before the Bishop, which is not the hearing in the Consistorial Court which the noble Lord at the Table (Lord Lyttelton) just now lamented the loss of, but a special hearing before the Bishop and three Assessors, one of whom is to be an Advocate of five years' standing, another the Dean of his cathedral, church, or his Archdeacon or Chancellor, and the third any person whatever. The Bishop has not to pronounce his decision by his Assessors, as in the Consistory Court, but if he pleases, may decide against the will and judgment of the Assessors. The third stage is an appeal to the Provincial Court in which the diocese is situated; and the fourth and final stage is an appeal to Her Majesty in Council. There is no security taken for costs and these four hearings, with all the attendant expenses. Now, it may be said that these four hearings are in themselves a protection of which a clergyman ought not to be deprived. But there is another and shorter course which may be taken under the Church Discipline Act. The clergyman has not a right to all these stages, because the Bishop may dispense with the inquiry before the Commissioners and with the hearing before himself, and at once send the case to the Provincial Court, from which there would be, as before, an appeal to the Queen in Council. Those are the two courses which may be taken under the Church Discipline Act; but I must say a word more with regard to the Act itself. Your Lordships have heard in this House about the enforcing a decree *pendente lite*. Now, there is a provision in the Church Discipline Act which may perhaps have escaped your Lordships' notice, but which, I must confess, I have never read without a feeling of profound amazement—for, as far as I am aware, it is a provision which is utterly unknown in any other branch or part of our law. By this provision the Bishop may at any time after proceedings have commenced, and while the guilt or innocence of the person accused is still undetermined, of his own mere motion absolutely inhibit and suspend the clergy-

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man from the performance of the whole of his functions, may turn him out of his church and out of his parish, may replace him by another clergyman, whose recompense is to be defrayed out of the profits of the benefice, and may issue a sequestration of the revenues. The Bishop has this power absolutely if he can bring himself to think that scandal would ensue from the clergyman continuing to exercise his functions, or that the ministration of the clergyman while the charge was undetermined would be useless. Now, that is the culminating provision of the Church Discipline Act, to which the clergy have been subjected for the last 34 years, and from which they will be liberated by the passing of this Bill. Now, let me ask your Lordships to compare this with the provisions of the present Bill. Under this Bill what I may term official complaints are to be made. The Bishop is not to proceed, as under the Church Discipline Act, on the motion of any person, but he must be put in motion either by the Archdeacon, the Rural Dean, the churchwarden, or by three parishioners of the parish, whose combination is of itself a proof of the interest they take in the affairs of the parish; and they are even then to make a special declaration provided in this Bill. The Bishop is to retain the discretion he at present possesses, as to whether he will proceed or not; but if he declines to proceed he must give his reasons in writing. Security for costs is to be required by this Bill as it stands. Then, there is to be a hearing before the Judge to be appointed under this Bill, and that Judge is charged with the duty of simplifying the facts and reducing them to a special case which will become a statement of the matter at issue between the parties. If any one is not satisfied an appeal is provided. The clause, however, provides that if at an earlier stage the parties are willing to accept the decision of the Bishop without appeal the matter may thus be settled. With regard to the execution of the appeal, the Ultimate Court of Appeal has the right to suspend the execution of the decree if it thinks fit. I have gone over these points of difference in order to compare the present state of the law with the change effected by this Bill. Perhaps I may be asked, what, in substance and in words, the changes proposed by this Bill really

amount to? I have endeavoured to put before my own mind what will be the operation of this Bill and I find that it effects four cardinal changes. In the first place it secures authority and uniformity of decision arising from one permanent first-class Judge for the whole Kingdom, acting where necessary on the spot, in place of a number of shifting and inferior Diocesan Judges or Assessors. In the second place, the Bill secures the removal of the Bishop out of the arena of contentious litigation with his clergy, and the limitation of his judicial office to cases of consensual jurisdiction in the nature of arbitration. Thirdly, the Bill secures the confining of litigation, where it must be resorted to, to one original hearing before a competent Judge, and an appeal to the highest tribunal. And lastly, the Bill provides for the simplification of procedure and lessening of expense, by substituting for the old and cumbrous ecclesiastical machinery the simple procedure of a special case, and judgment upon it. These are the four cardinal points sought to be established by this measure. Your Lordships may entertain different views upon these matters, and I can understand the clergy and laity to take different opinions upon some of these points, but what I cannot understand is that those who contend that these provisions are wise or unwise, expedient or inexpedient, should regard them as attacking in any way the doctrines of the Church, and that there is here any attempt to lower the status of the clergy. Whether this Bill may or may not work with that advantage which those who support it expect, it is impossible it can be productive of any injury to the Church.

EARL NELSON said, he regretted that this Bill should have been brought forward at that moment, for it had led to much irritation among the clergy, and much misunderstanding of its object and scope among the clergy and the laity alike. It could not be wondered at, considering the excited state of public feeling out-of-doors, and the time chosen for the introduction of the Bill, that it should be supposed to interfere with doctrine; or that it was intended in some degree to supersede the Clergy Discipline Act. Certainly, if the Bishop of Peterborough's clauses had been agreed to, it would have had both these effects, and have gone a long way to un-

dermine the union between Church and State. His object, however, in rising, was not to oppose the Bill, but to deprecate hasty and untimely legislation. He would remind their Lordships that some years ago Convocation desired to remedy the cumbrous machinery and costly processes of the Ecclesiastical Courts, and therefore it was not fair to say that the clergy wished the present procedure to be maintained. During the recent discussions, two remarkable cases, illustrative of the lawlessness of the clergy had been brought forward—one by the most rev. Primate who brought forward the case of the altar cards, and the other quoted by the right rev. Prelate (the Bishop of Peterborough) from a book recently published. Now, he (Earl Nelson) was informed that both the altar cards and the book were the production of one and the same clergyman—the Rev. Orby Shipley—who, he was told, was not a leader in this movement, and was not a beneficed clergyman of the Church. This Bill, therefore, would not touch him. No doubt there had been a great deal of indiscretion and apparent lawlessness among certain of the clergy; but he thought it right to say they had some justification in the Ornaments' Rubric, which declared that "all the things that were in use in the second year of Edward VI. should be retained." But as there was no definition of what things were lawful and might be retained, some of these clergymen maintained—and they were logically correct in their argument—that those things which were of use in the old Church, and were not forbidden by the rubrics of the new, were now lawful. There had been some alterations in the Prayer Book, but that rubric remained unaltered, as it stood at a date immediately subsequent to the Reformation. This was historically true, and it was only right that it should be known that those clergymen who were called lawless really had a rule and law to guide them in this matter. He was glad to hear that those clergymen who had taken extreme views, and even the gentleman in question, had signed a declaration stating their willingness to obey the rubrics as they were explained by the Synods of the Church. Many a clergyman of moderate view, whom he met at meetings of Church Societies, regarded the Purchas Judgment as being merely *ad hoc* for the particular

thing, and not as laying down any new law for the Church. He had pointed out to those gentlemen that the clergy would have occupied a better position if they had obeyed the judgment, and then protested against it; but from what he had heard during the discussions on this Bill, he must say there was a great deal to justify the view they had taken of that judgment and its interpretation of the law of the Church. It was a judgment pronounced in an undefended case, and could not be received as a proper interpretation of the law until another judgment or the same judgment was given in a defended case. There was, therefore, something right at the bottom of their supposed lawlessness. He must say a few words as to his altered feeling in regard to the Bill. It had been introduced in a crude form, without consulting the clergy, and in a manner to irritate their feelings; but, although the most rev. Primate did not seem very willing to submit the Bill to Convocation until his request had been backed up by the noble Duke below, and by the noble and learned Lord on the Woolsack, it had been submitted to Convocation, and the amendments proposed by Convocation had been accepted. By these Amendments the Bill had been very greatly altered—it was, in fact, a new Bill from that which had been laid on the Table. He was happy to find that when Letters of Business were asked for by Convocation, the Government at once expressed their willingness to ask the Crown for them, and he only regretted that they had not been asked for at the beginning of the Session; and the Lord Chancellor had stated that if they had been asked for they would have been granted. That would have enabled them to pass a measure dealing with the whole subject of Church discipline, and in a way which would have received the assent of the clergy. Unhappily, it had been otherwise. But if the right rev. Bench guided Convocation in this matter wisely, he believed the time for conciliation had not gone by. He thought that if a few concessions were made to meet the wishes of congregations, the Bill would come into peaceable operation; and he thought that if the Bill of the right rev. Prelate (the Bishop of London)—the Prayer Book (Rubrics) Bill—were passed, there would be a good opportunity to provide for many things which

had been referred to their by Lordships during the discussions on the Bill. The noble Lord who usually sat on the cross benches (Earl Grey) had stated that what he wished was, not so much that what was illegal should be put down, as to prevent the introduction of things which were inexpedient to unwilling congregations. He believed Convocation was the only body that could properly make regulations defining or altering the rubrics. It was said that Convocation did not properly represent the clergy, and did not represent the laity at all. But just as an unreformed Parliament might so far represent the people and reform itself, having regard to public feeling, so Convocation, as the constitutional body representing the clergy, would take care to find out the views of the clergy; while, with regard to the laity, he did not think any harm would arise even if Convocation, as at present constituted, should propose a sensible amendment and explanation of the rubrics; because the laity of the Church were represented by Parliament, and nothing that Convocation did could have effect without the approval of Parliament. He had to thank their Lordships for the kind manner in which they had heard him now, and during the wearisome debates in Committee on this Bill. His opposition had not been factious. A great number of the clergy had petitioned against the Bill, and he had received many representations urging him to take the course he had pursued. He would add, as something had been said about reprisals, that the High Church party would not be a party to any reprisals unduly to enforce the law, because they felt that, in evangelizing the mass of the people, a too strict uniformity would be likely to hinder the special work which the Church had in hand.

THE EARL OF CARNARVON said, he congratulated their Lordships that this discussion on the third reading of the Bill was passing through a quieter atmosphere than those on some previous stages. So far as he was personally concerned, he would be almost entirely satisfied to leave the question on the footing on which it had been placed by his noble and learned Friend on the Woolsack. Nothing could be calmer, more impartial, or, he might say, colourless as regarded feeling, and nothing could more truly and fairly represent the facts

Earl Nelson

of the case. He desired to state that when the Bill first came before the House he was one of those who felt considerable doubt and difficulty in accepting it as produced by the right rev. Bench. He overcame his scruples out of deference to the quarter from whence it proceeded. Coming from the most rev. Primate, who spoke, of course, with the greatest authority, backed by the almost unanimous opinion of the Episcopal Bench, it was impossible not to read the Bill a second time. The Bill had since undergone great modification; scarcely a vestige of its original structure remained; it was now merely the ghost of the past. There was hardly a single clause in the Bill that remained as originally introduced. He was amazed, therefore, at what had been said out-of-doors against the Bill—because it was clear that the Bill was now merely a Bill for the discipline of the Church—a Bill which differed very slightly indeed from the Church Discipline Act which had been in force for so many years, only the provisions of this measure were not so stringent. When, therefore, he saw the letters which were written and the complaints which were made with regard to the Bill, he was reminded of those fights in the Middle Ages where, in the midst of the heat, confusion, dust, and turmoil, a great noise was created, great alarm spread far and wide, but very few wounds were inflicted, and no lives lost. He was quite content that the Bill should go down to the other House, if it only had the effect which his noble and learned Friend on the Woolsack stated it would have—of simplifying procedure and cheapening the expense, which was no doubt very great, and sometimes intolerable. With respect to the issue of Letters of Business to Convocation, he certainly had no fault to find. Their Predecessors in office had set the example, and set it wisely. He was free to confess that, apart from Constitutional considerations, Convocation seemed to him a body of men who, having devoted their lives to the consideration of theological questions, were at all events as fit as any other body to take into consideration and express their opinion on these matters. A few days since he happened to come across a Report drawn up by a Committee of Convocation on these very questions of ritual. It was most temperately and impartially ex-

pressed, and if Convocation addressed themselves to their present task in the same spirit they exhibited in 1866, they would render good service, for which they would deserve the gratitude of Churchmen in general. But he must add one caution—that, in removing the responsibility of this matter from the broad shoulders of Parliament to Convocation, they would have a harder and more difficult task, from his point of view, than Parliament would have had. Parliament could only have dealt with it by relaxing some of the civil penalties attaching to particular acts which touched no man's conscience, and could not have affected the decision of the Church; but when Convocation dealt with the subject, they must look at it from a theological point of view, and the difficulty would be considerably enhanced. He hoped that Convocation would deal with the subject in a prudent and impartial spirit, in a spirit of forbearance, and under the influence of that law of charity which was above all rubrics, and which could only lead to a wholesome result.

LORD SELBORNE said, he was glad to observe the change which had come over the tone and temper of some men's minds upon this subject, who began to perceive that there were real evils to be remedied, and that the remedy now proposed, whether efficient or not to cure all those evils, was certainly not one of too severe and drastic a character. It would not become him to express any anticipation of what might occur elsewhere. No doubt his noble Friends opposite would be able to exercise—and he trusted would exercise, so far as was consistent with their duty—the influence belonging to their position over the course of events. All he would say—and he was bound to say it—was this—if this measure was to fail, he rejoiced that the responsibility for its failure would not rest with their Lordships. His noble and learned Friend on the Woolsack had made it quite unnecessary for him to say anything in explanation of the true character of the measure or of its provisions as they then stood. To him it seemed no reproach to the wisdom of the most rev. Primate that he should have introduced the Bill in a form very different from that in which it would leave their Lordships' House. If he had not introduced the Bill in that form

and according to the advice he had received, there would not have been the advantage which these discussions had procured; during which the most rev. Primate had manifested no disposition to reject any Amendment, no matter from what quarter it came, provided it tended to the improvement of the measure. The noble Earl (Earl Nelson) had seemed to remonstrate with the most rev. Primate for the language used by him when introducing the Bill; but it seemed to him (Lord Selborne) from the beginning that the most rev. Primate had no choice but to endeavour to grapple with the difficulties of the subject. The Bill was, and was meant to be, impartial in its operation; but if it was the truth that the existence of certain particular excesses and disorders was the real cause which made the introduction of the Bill necessary, the most rev. Prelate had no choice but to say so. If no serious attempt had been made to remedy those disorders, reproach would justly have been cast upon the rulers of the Church. What answer could have been given if, the present law being found insufficient, no application had been made to Parliament for the necessary powers? The great and long forbearance which had been shown by the right rev. Bench, with reference to the growing evils with which this Bill was intended to deal was not appreciated in the way it should be. It was not until after great agitation of the public mind, and abundant proof of the reality and seriousness of the evil that the right rev. Bench had asked for additional powers to apply a remedy. They were compelled to recognize the fact of the existence within the Church of an active, aggressive, and revolutionary party—not the High Church party—on the contrary, one which to him seemed to be the lowest of the low—of a party which certainly did not hide its light under a bushel, consisting of men who were active, aggressive, open in speech, open in action, and distinctly revolutionary. This rendered it impossible for those who were responsible for the protection of the Church against revolution to acquiesce in the continuance of such a state of things without attempting to put an end to it. He had been surprised to see there had been so much alarm and dissatisfaction in reference to the intro-

Lord Selborne

duction of this Bill, on the part, not of those only who were disloyal to the Church, and who had aggressive and revolutionary objects, but from a large number of the very best clergymen in the Kingdom who had no intention of violating the law. It had been to him a matter of real astonishment that they had been under those extraordinary misapprehensions on the subject of the Bill which had been so clearly corrected by his noble and learned Friend on the Woolsack. If he seriously thought that the things which had been written and spoken during the last month or six weeks about this Bill represented the true state of mind of the general body of the clergy, he should be greatly alarmed for the future of the Church; for it might, in that case, be inferred that the clergy were opposed to every judicial authority which could interpret the laws of the Church—to every executive authority which could apply the laws of the Church—and to every legislative authority which could alter or strengthen those laws; and that the clergy, whether they broke the law or not, had a vested interest in the power of breaking it. That could not be, he was sure, the real mind of the clergy. He could hardly believe it was the real mind even of those who did deliberately break the law, and who doubtless justified what they did in the manner in which reformers and revolutionists were always in the habit of justifying their measures. They thought that the law was bad, and they felt themselves justified in resorting to all the means in their power to introduce and force the changes which they desired; that was the case in most instances of ecclesiastical or political revolution, but it was going further than that to constitute ourselves the sole interpreters of the laws under which we lived, and to think that we had within ourselves a plenary dispensing power for any violation of them. To him it would be most alarming that the state of things which had called for this Bill, or the state of feeling he had described, should continue and grow; because it was now more than ever important that the Church of England should retain and augment her power and influence. There never were greater opportunities, or more serious evils to be encountered, and in the presence of the common enemy the whole energy of the Church

ought to be concentrated and devoted to the great duty which lay before her—that of counteracting the new forms, and increasing confidence, of unbelief, vice, and social disorder. If only the clergy would address themselves to these things, the Church of England had yet sufficient strength to prevail over all her adversaries. As to Disestablishment, some of the revolutionary party had said they wished for it; but it was doubtful whether they had all its consequences present to their minds, and if they had not, he would recommend them to read the last proceedings of a well-known Society which had disestablishment for its object, and which, when it came to the question of terms, openly declared that it would not think of allowing the old parish churches and cathedrals to remain in the hands of the disestablished Church. He would ask the more moderate clergy to consider what they were doing, if they maintained an attitude of opposition to the law, inconsistent not only with the actual relations between Church and State, but with every principle upon which an Established Church could be defended. The great majority did not wish the Church to be disestablished—there might be a small minority who thought it would be a good thing—but he should like to know whether they considered that in a disestablished Church they would not still be prevented from having their own way. Did they think that the laity of the future disestablished Church would solve these questions by allowing unlimited and universal licence to every clergyman, with or without the consent of the Bishop? No man in his senses could ever dream of such a thing. Therefore, those who looked forward to disestablishment with such an object would not realize their expectations. As had been remarked, this Bill did not touch any question of doctrine: but doctrines were, in some men's minds, associated with practices the legality of which were questioned. Now, those doctrines must be believed and understood by those who held them, either as being, or as not being, the doctrines of the Church of England. If the latter, he supposed no man could pretend to justify the attempt to introduce or support doctrines not those of the Church, by practices contrary to its laws. He would assume their belief in, and con-

viction of, the lawfulness and truth of those doctrines; but, if so, he would submit to them they could not be strengthening doctrines which were really true and important, and consistent with the teaching of the Church of England, by endeavouring to put them upon a foundation of sand—upon practices, forms, and ceremonies, resting on their own judgment, on their own authority, and against the law. By so doing were they not discrediting the doctrine for the sake of the practice? And was there not great risk that in the public mind the discredit which attached to those practices, and to any doctrines of a questionable kind, which might be, rightly or wrongly, associated with them, might extend more and more to other doctrines and other practices, which really and truly were those of the Church; and might thus increase the alienation of mind of large bodies of the people from the Church and from the doctrines of the Church. We sometimes heard of large congregations which were attracted by these practices; but his own conviction was that for hundreds who might be attracted by them thousands were repelled. He should heartily rejoice if, by means of this Bill or any other means, these evils could be corrected, and corrected in time.

THE MARQUESS OF SALISBURY said, the noble and learned Lord had spoken with great surprise of the language which had been used, and the angry feelings which had been raised against the Bill out-of-doors, and had justly remarked that there was nothing in its provisions which could justify either one or the other. But if this language had been used, and those feelings had arisen, it was in consequence of speeches which had been made, and he regretted to think that the speech just delivered would not tend to calm the feelings which the noble and learned Lord disapproved. His noble and learned Friend on the Woolsack commenced the discussion in a speech which he hoped would have had the effect of dissipating many illusions and of calming many angry feelings; and he earnestly trusted that the denunciations of certain parties in the Church which the noble and learned Lord opposite had thought it right to utter would not mar that beneficent effect. Of the Bill itself it was impossible to speak too lightly. To say that

his right rev. Brethren—were much indebted to the noble and learned Lord on the Woolsack for the clear and able statement he had made as to the scope of the Bill—because he believed the scope of the Bill had been greatly misunderstood. He could scarcely allow that this was owing to the crude and unsatisfactory manner in which he and his right rev. Brethren introduced the measure; but they were quite accustomed in various capacities to have their proceedings criticized, and he should never object to any amount of criticism on the particular course which he might feel it his duty to pursue. This Bill was introduced not rashly, but after very serious consideration in a larger meeting of Bishops than he had ever before seen assembled. There was scarcely a dissentient voice among them as to the necessity for taking such steps as had since been taken. They felt that the country required that the Bishops should move in this matter; and of course it was not an easy task to construct a measure on so complicated a subject and to submit it to their Lordships' House. If, therefore, changes had been made in the Bill it was only what he and his right rev. Brethren expected. Their business from first to last had simply been to guard the principle of the Bill—which was to introduce, instead of the present cumbrous, unwieldy, and expensive machinery for executing the law, other machinery which should be speedy, inexpensive, and effective. The proposal he made certainly differed from that which their Lordships were now adopting in some important respects. The Bill originally proposed that there should be only two steps in these cases—the one a trial before the Bishop, the other a trial before the Supreme Court of Appeal—whereas the Bill in its present shape, while acknowledging the propriety of there being only two steps in the procedure, declared that the first should be before the Archbishops' Judge, and the other before the Supreme Court of Appeal. It might, perhaps, be asked why it was not in the first instance proposed that the Archbishops' Court should take cognizance of all these cases. Their Lordships were aware of the great extent of business now referred to this Judge, who would be expected to visit the localities in which cases arose, and to be ready at any time

The Archbishop of Canterbury

to give information and make a statement of the law when appealed to by the Bishop. Well, the only Judge who was available when the Bill was introduced received a salary of only £5 per annum, or thereabouts, and could not be asked to perform fresh duties for so insignificant a remuneration. Therefore, in one sense, he did not object to the title proposed by the noble Marquess who said this was a Bill to give £3,000 a-year to the Archbishops' Judge. He should be glad if this proposal were made elsewhere, providing only that funds were provided for the payment of the salary. Some misconception had arisen on the subject of the payment of this Judge. A Return had been moved for by a noble Earl who was not now present (the Earl of Shaftesbury) respecting the fees paid to the various officers of the Episcopal Courts throughout both Provinces. The noble Earl had always maintained that those fees amounted to £70,000 a-year; and he himself believed they would be amply sufficient to defray any expense which the Ecclesiastical Commissioners might for a time be put to in order to pay the salary of the Judge. It was true the Bill for the present merely provided that a portion of these fees should be paid over to the Ecclesiastical Commissioners; but he could not help being sanguine enough to suppose the day was not far distant when they would all be paid into one central fund, which would enable the Commissioners to recoup themselves for any temporary outlay they might have made for the salary of the Judge. Therefore, he did not think there was any danger of the poorer clergy ultimately suffering in consequence of the salary which, in the opinion of their Lordships, the Judge ought to receive. If a Judge were appointed who would command the confidence of the country, the Bill would be neither useless nor dangerous. Moreover, he agreed with the statement made by his noble and learned Friend on the Woolsack as to many other advantages which would flow from this measure. It was the duty of the Episcopal Bench to see that the constitution of the Church was in no way invaded by the alterations proposed; but some persons might suppose that the position of a Bishop, who, under the Church Discipline Act, was entitled to hold a Court, was in some degree altered by the present measure,

inasmuch as he only retained the power of deciding such cases as might be referred to him by the agreement of both parties. Thirty-four years had elapsed since the passing of the Church Discipline Act, and during the whole of that time there had been only four instances in which a Bishop had sat as Judge in his Court, as he was allowed to do by that Act. Therefore, his right rev. Brethren could not be said to have given up a privilege which had been much exercised in the Church in times past. He had very little doubt of the truth of what had often been said in the debates on this Bill as to the imperative necessity of revising the rubrics. One of his right rev. Brethren (the Bishop of London) had laid before their Lordships a Bill on that subject; but he thought his right rev. Brother had no intention of pressing for a second reading of that Bill during the present Session. He thought it would be a most serious matter to allow Convocation to alter the rubrics from time to time. He earnestly hoped that the Bill now before the House would be able to bring about a final settlement of the matters in dispute—for he believed the degree of excitement that had been called forth was absolutely dangerous to the Church of England. For so much of that excitement as was said to have been caused by his introduction of this measure, he did not blame himself. On a calm review of the speech which he made on introducing the measure, he did not think that it tended to cause excitement, and his great desire with reference to this measure was not to hurt the feelings of any Party. Heat might have been caused by a misapprehension of the objects of the Bill, but he believed that if any heat had been thus caused it would soon disappear, because he had the greatest confidence in the loyalty and good sense of the clergy of the Church. He was quite certain that when the report of the speeches of the noble and learned Lord on the Woolsack, and of the noble and learned Lord opposite (Lord Selborne) were read, many of those who were opposed to the Bill would look upon it in a different light. This matter ought to be settled, and the sooner it was settled the better it would be for the Church of England. He earnestly trusted that their Lordships would give a third read-

ing to the Bill, and that it would become law this Session. And if it became law, he was quite certain that it would be loyally accepted, and would be neither useless nor dangerous.

Motion *agreed to*; Bill read 3^d accordingly; Amendments made; Bill *passed* and sent to the Commons.

SUPREME COURT OF JUDICATURE ACT
(1873) AMENDMENT BILL.—(No. 128.)

THIRD READING.

(*The Lord Chancellor.*)

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^d."—(*The Lord Chancellor.*)

LORD DENMAN, as a consistent opponent of this measure, and as one who thought that the House in parting with its appellate jurisdiction would incur great loss not only in point of dignity, but also of usefulness, moved that the Bill be read a third time that day three months.

An Amendment moved to leave out ("now,") and insert ("this day three months.")—(*Lord Denman.*)

LORD REDESDALE begged to repeat his opinion that the passing of this Bill was an act of political suicide on the part of that House. The country had not asked for it—it was not called for by anybody, yet upon the evidence of this Bill their Lordships stood self-condemned, as unable to perform duties which they had discharged from the earliest days to the present time. He had dissuaded his noble Friend from taking the sense of the House on a former occasion, and must do so now; but he must express his belief that the sense of the House had never been properly taken on this question. He did not hesitate to assert that if, on the Amendment he moved on the committal of the Bill, noble Lords had voted in accordance with their opinions, the Bill would never have received the sanction of the House. The attendance of their Lordships was a small one, although the Leaders on both sides of the House supported the Bill. A very strong whip had been issued, but the Government were only able to muster 22 votes of their own men, themselves and other officials included, and they were therefore in a minority but for the support

they received from the opponents of the Conservative party. Two Cabinet Ministers stayed away, and some noble Lords on both sides followed their Leaders against their own judgment. Had they voted as they thought, the division would have been different.

THE LORD CHANCELLOR said, his noble Friend always expressed himself jealous of the honour of the House; but the noble Lord himself now stated that, on a recent division, noble Lords had given their votes contrary to their opinions.

LORD REDESDALE: Some of them.

THE LORD CHANCELLOR: The noble Lord had not, however, stated whether these noble Lords sat on the Ministerial, or on the Opposition side of the House, or whether the Bill was carried by the assistance of a contingent from both. That he would leave his noble Friend to settle with the Members of the majority. No doubt, the noble Lord had himself expressed his views with great sincerity, and he respected the Protest he was about to offer. But when the noble Lord described the passing of this Bill by their Lordships as an act of political suicide, he could only look upon this as one of those grandiloquent expressions which sounded large and meant little.

On Question, That ("now") stand part of the Motion—and there being no second Teller for the Not-Contents, *Resolved* in the Affirmative; Bill read 3^d accordingly; Amendments made; Bill *passed*, and sent to the Commons.

PROTESTS.

"DISSENTIENT":

"1. Because the Act which this Bill purports to amend was passed on condition that its working should be tried, before its application to Scotland and Ireland.

"2. Because the recommendation of the Select Committee of this Honourable House, 1872, has been disregarded in its extension to Ireland and Scotland.

"3. Because the designation of "Imperial Court" is less worthy of respect than "Her Majesty in Parliament" and "Her Majesty in Council;" whilst an advocate of Imperial Rule in Ireland was designated an imperious Englishman—1869. See Hansard, Vol. 191., p. 773.

"4. Because, though professing to create one Imperial Court of Judicature, this Bill proposes many sub-divisions with shifting duties of Judges, instead of continuing the power to suitors of knowing that high officers of State are attending the Appeals both in the House of Lords and in the Privy Council.

Lord Redesdale

"5. Because the ecclesiastical authorities are almost excluded from the proposed Imperial Court, and their limited influence as assessors substituted for it.

"6. Because the difficulties of creating Lords Chancellors and Lords Chief Justices Peers have been greatly exaggerated, and the difficulties at present existing resemble such as are pointed out in Lives of the Chief Justices, vol. 3, page 184, line 2, and page 291, line 10, and do not necessitate the incorporation of those who may prefer Life Peerages, as members of the highest Court of Appeal in the United Kingdom.

"7. Because, since the passing of the same Act, one hereditary Peer has been created for England, who might be able occasionally to assist in Appeals in this House, and an ex-Chancellor of Ireland has more abundant leisure to give weight to Appeals from Ireland, whilst the Lord Justice Clerk of Scotland, being an hereditary Peer, could always communicate on Appeals from Scotland with such noble Lords as may sit on Appeals in the House of Lords.

"8. Because there is no provision for allowing Appellants and Defendants in Appeals from obtaining the judgment of the House of Lords, however much they may prefer it to any other Imperial Court of Appeal.

"DENMAN."

"DISSENTIENT":

"1. Because by this Bill the House finally surrenders all its rights as an ultimate Court of Appeal, the duties of which it has performed, and is performing, in a manner which has given general satisfaction, as is proved by the fact that no public demand has been made for such surrender, and by many demonstrations, especially from the legal profession, in favour of its jurisdiction being retained.

"2. Because the surrender of a privilege which has brought so much credit to this House must be injurious to its character, and particularly as the House must appear to stand self-condemned as having lost that efficiency which has hitherto obtained for it the good opinion of the public, and as no longer able to perform properly those duties with which it has been entrusted for centuries.

"3. Because the uncalled-for change of a jurisdiction which has given satisfaction is inexpedient, and the transfer of it to a new and untried Court unwise.

"4. Because there appear grave objections to the constitution of the new Court, which is to be composed of nine judges, three *ex officio*, the Lord Chancellor, who is at all times removable by the Crown, together with the Lord Chief Justice of England and the Master of the Rolls, who are to be changed alternately every two years for the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer, and six other judges to be appointed by the Crown in the first instance, and from time to time as vacancies occur, from the judges of the Imperial Court of Appeal for three years only, without prejudice to the re-nomination of a retiring judge.

"5. Because this frequent transfer of judges between the Imperial Court of Appeal and this Court will impair its efficiency in regard to English causes, as it may frequently occur that

judges who have already determined a cause will become members of it before such cause is re-heard by such Court, whereby the number of judges proper to re-hear the same may be inconveniently limited.

"6. Because the power given to the Crown over the constitution of this Court of changing any of the six out of the nine judges composing it after a three years' tenure of office, together with the power of removing one of the three *ex officio* judges at will, subjects this new Court to the direct influence of the Crown in a manner which appears objectionable on constitutional grounds.

"7. Because while appeals from Scotland and Ireland are to be conducted before the new Court in like manner substantially as now before this House, those in England are to be by re-hearing only, for the purpose of saving the expense to the suitors of new cases, and it is questionable whether the due administration of the law will be as effectually secured as by requiring new cases framed on the better understanding of the disputed points arrived at on both sides at the former hearings to be presented to the Court of Appeal.

"REDERDALE.

"STANLEY OF ALDERLEY."

GLEBE LANDS SALE BILL [H.L.]

A Bill to authorise in certain cases the sale of Glebe Lands belonging to Benefices—Was presented by The Lord Bishop of Carlisle; read 1st. (No. 136.)

CRUELTY TO ANIMALS LAW AMENDMENT BILL [H.L.]

A Bill to amend the Law relating to cruelty to Animals—Was presented by The Earl of Harrowby; read 1st. (No. 137.)

House adjourned at a quarter before
Nine o'clock, 'till To-morrow,
Eleven o'clock.

HOUSE OF COMMONS,

Thursday, 25th June, 1874.

MINUTES.] — NEW MEMBER SWORN — Sir George Elliot, baronet, for Durham County (Northern Division).

SUPPLY — considered in Committee—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS — Ordered—First Reading—Votes at Parliamentary Elections * [171]; Land Drainage Provisional Order * [170].

First Reading—Pier and Harbour Orders Confirmation * [169]; Local Government Board's Provisional Orders Confirmation (No. 3) * [172].

Second Reading—Shannon Navigation * [157].

Second Reading—Referred to Select Committee—Apothecaries Licences * [155].

Select Committee—Merchant Ships (Measurement of Tonnage) * [148], nominated.

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[THIRD SERIES.]

Committee—Report—Civil Bill Courts (Ireland) * [152].

Considered as amended—Factories (Health of Women, &c.) * [115]; Courts (Straits Settlements) [126].

Third Reading—Personation * [146], and passed.

NEW PALACE OF WESTMINSTER—THE CLOCK TOWER.—QUESTION.

MR. W. M. TORRENS asked the First Commissioner of Works, Whether the Government intend to act on the Report of the Engineer of the Trinity House as to competition by trial of the Electric and Gas Lights on the Clock Tower, in which Report the superior advantages of the former as regards intensity and cost of illuminating power are fully stated?

LORD HENRY LENNOX, in reply, said, that some months since the question as to the permanence of the light referred to was discussed in that House, and he then stated that it was eminently a question for hon. Members to decide for themselves. Since that time, many hon. Members had spoken to him on the subject, and they had all requested that the light should be made permanent, while he had heard no opinion expressed on the other side. He took it for granted, therefore, that such was the wish of the House. It was too late in the Session now to make the necessary alteration. During the Recess, however, he should devote his attention to the subject, and see the best means of accomplishing the object they had all in view. He could not, however, bind himself to adopt the Report alluded to by the hon. Gentleman, nor, indeed, the opinions expressed in any other.

ARMY—MEDICAL OFFICERS.

QUESTION.

MR. STACPOOLE asked the Secretary of State for War, If it is the fact that the Medical Officers of the Army have of late been refused the privilege they have heretofore enjoyed of being allowed to exchange, even when the exchanges proposed have been in strict conformity with the rules laid down by his Royal Highness the Field Marshal Commanding-in-Chief and the Secretary of State for War; and, if so, whether it is intended to maintain a system by which those officers are refused a privilege which has been allowed to all other

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Officers of the Army, whether combatant or non-combatant?

MR. GATHORNE HARDY, in reply, said, that prior to the issuing of the Warrant of March, 1873, medical officers had been allowed to exchange, so as to obtain a fair share of foreign service. Since that period exchanges had not been encouraged, but some had been made.

POST OFFICE—HALFPENNY BOOK
POST.—QUESTION.

MR. WELBY asked the Postmaster General, If he will state to the House, with special reference to invoices, orders, and similar commercial communications, what writing may, and what may not, be sent under halfpenny book-post wrappers?

LORD JOHN MANNERS, in reply, said, that they would be admissible at the halfpenny rate of postage only when they were not in the form of letters.

ARMY—PAYMASTERS OF THE REGU-
LAR FORCES.—QUESTION.

MR. GORDON asked the Secretary of State for War, Whether it is intended to issue a Warrant for ameliorating the conditions under which Paymasters of the Regular Forces are now serving; and, if so, when the issuing of such Warrant may be expected?

MR. GATHORNE HARDY, in reply, said, that he answered a Question with regard to paymasters a few days ago, and he could assure the hon. Gentleman that the whole subject was under consideration. There was no immediate intention to issue any warrants.

BURIAL BOARD OF WELLING-
BOROUGH.—QUESTION.

MR. CARTER asked the Secretary of State for the Home Department, Whether it is the fact that at his instance Dr. Holland has been sent to Wellingborough to conduct an inquiry into an alleged act of sacrilege on the part of the Burial Board of Wellingborough, such act of sacrilege being the planting with potatoes, for the purpose of cleaning the land, of a portion of the ground lately set apart for the purposes of a cemetery; and, if so, whether Dr. Holland's Report has been received and can be laid upon the Table of the House?

Mr. Stacpoole

MR. ASSHETON CROSS: Some time ago a formal statement was made to me as to certain matters which had taken place with regard to this burial ground, and I thought the proper course to take would be to make inquiries as to what were the facts of the case. So far as I could learn, no portion of the burial ground which is being used at all for purposes of burial has been planted with these potatoes, and the Inspector whose duty it was to look after the matter is strongly of opinion that the matter, if anything, was rather one of a nice question of Ecclesiastical Law than one for the interference of the Secretary of State. It would, therefore, be quite useless to lay the Report of the Inspector upon the Table.

CAPE COAST CASTLE—ALLEGED SLAVE
DEALING.—QUESTION.

MR. ANDERSON asked the Under Secretary of State for the Colonies, If his attention has been called to the following statement in "The Manchester Guardian" by its correspondent at Cape Coast Castle—

"Bands of traders come down occasionally, chiefly to buy. Their principle article of commerce is slaves, including numbers of children kidnapped from their homes and mothers, and here they find plenty of purchasers. It is strange to read in the English papers of the rejoicings and congratulations of the English people over the strides being made towards the abolition of slavery in Eastern and Central Africa, whilst here, in a British Protectorate, and especially in Cape Coast, the seat of Government, there is a market for selling captured and kidnapped slaves and children, under the special, and, it may be said, forcible protection of the British Government;"

and if he is able to contradict this statement?

MR. J. LOWTHER: Sir, my attention has been drawn to the paragraph in *The Manchester Guardian* which the hon. Gentleman quotes in his Question. I am sorry to say I am not able to contradict the statement; but, at the same time, I am happy to say, I am equally unable to confirm it. It is, of course, a matter which I shall not express any opinion about until some information is received at the Colonial Office. The matter has been referred to the local authorities, and I hope before long to receive their answer.

POOR LAW (SCOTLAND)—CATHOLIC
INMATES OF WORKHOUSES.

QUESTION.

MR. OWEN LEWIS asked the Lord Advocate, If it is true that the Parochial Board of Dumfries have refused to allow the Catholic inmates of the workhouse to attend divine service; and, if so, what justification is alleged for such interference with the rights of conscience?

THE LORD ADVOCATE: In consequence of the hon. Member's Question, I have made inquiry, and have ascertained that the Parochial Board of Dumfries have refused to allow the Catholic inmates to leave the house for the purpose of attending Divine Worship. The same rule is applied to the Protestants. The Catholic priest visits regularly the house, and administers the rites of his Church to all belonging to the Catholic faith, without any interference on the part of the local authorities. I may mention that there are only six Catholic inmates, three of whom are bed-ridden. The Parochial Board justify their action on the ground of a Regulation or Minute of the Board of Supervision, on 14th August, 1872, in which it is stated—

“That to give every inmate a right to be absent from the poorhouse every Sunday would in many cases be subversive of discipline and proper management.”

I would recommend, as the proper course for obtaining redress against any alleged grievance, that a complaint should be made to the Board of Supervision, who will immediately order an investigation into it, and if the result is not satisfactory, the matter can be brought before this House.

THE IRISH MAGISTRACY—COUNTY OF
TIPPERARY.—QUESTION.

MR. MOORE asked the Chief Secretary for Ireland, Whether it is true that the Commissioners of the Great Seal have refused to appoint two magistrates recommended by Lord Lismore as Lord Lieutenant of the county Tipperary; whether it is a fact that his Lordship has held that office for 17 years, and has never before been refused; and, whether Her Majesty's Government approve of the course pursued; and, if not, what action they propose taking in the matter?

SIR MICHAEL HICKS-BEACH:

In reply, Sir, to the Question of the hon. Member, I beg to say that it is a fact that the Lords Commissioners of the Great Seal did refuse to appoint two gentlemen recommended by Lord Lismore; and, without wishing to cast any reflection upon the recommendation of Lord Lismore, I must say I think the Lords Commissioners were perfectly justified in the course they adopted. It is not alleged that an appointment was required for either of the districts in question. One of the gentlemen referred to was an agent not for one property but for several; and there is a rule, strictly acted on by the late Government, against appointing agents to the Commission of the Peace except under peculiar circumstances, such as that of an agent representing a large proprietor or a Company, or there being a great necessity for a magistrate and none more suitable being in the locality. In Ireland it is the established rule not to make a dispensary medical officer a magistrate. This rule, which applies to the other gentleman, was strictly acted on by the late Government.

PARLIAMENT—CONTROVERTED ELEC-
TIONS—ENGLISH AND IRISH JUDG-
MENTS.—QUESTION.

CAPTAIN NOLAN asked Mr. Attorney General, If his attention has been called to the difference in the interpretation of the Election Laws, in regard to the seating of minority candidates, between the English and the Irish Courts of Common Pleas, as shown by the late decision in the Launceston case and the decision in the County Galway Petition of 1872; and, if the Government intend to introduce a declaratory measure which would render the future working of the Law on this point uniform in the two countries?

THE ATTORNEY GENERAL: Sir, the hon. and gallant Member, in the Questions which he has put to me, has assumed that the Court of Common Pleas in England has given an interpretation to the Election Laws, so far as they affect the seating of minority candidates, different from the interpretation given to the same Laws by the Court of Common Pleas in Ireland. This may, or may not, be the case. The House is in possession of the reasons assigned by

the Judges of the Irish Court for the decision arrived at by them in 1872, with respect to the Galway County Election; but the House is not in possession of the reasons assigned by the Judges of the English Court for their decision on Tuesday in the Launceston case. An Order was made yesterday, and I believe at the instance of the hon. and gallant Member, that a Copy of the Judgment of the English Judges should be laid upon the Table of the House. I am not myself in possession of any further information on the subject than is possessed by other hon. Members. When the House is in possession of that further information which has been so ordered to be afforded to us, we shall be in a position to determine whether any difference exists between the views entertained by the two Courts, and, if there is any difference, what is its nature and extent. Under these circumstances, the hon. and gallant Member will, I think, see that I am unable at present to give any further answer to his Questions.

THE CAPE COAST—THE KINGDOM OF DAHOMEY.—QUESTION.

MR. J. HOLMS asked the Under Secretary of State for the Colonies, If his attention has been drawn to a report that negotiations have been or are about to be entered upon by Her Majesty's Government with the King of Dahomey, for the acquisition of a narrow strip of coast which is in the possession of that Monarch; and, if so, can he state what the extent and nature of the territory is?

MR. J. LOWTHER: It is true, Sir, that serious political and fiscal inconvenience arises from the existence, between the extreme points of the Gold Coast and of Lagos, of a strip of independent Native territory. No negotiations for its acquisition have been entered into or are now in contemplation, though it may hereafter be possible to effect arrangements with the Native tribes on that coast for the development and protection of trade.

THE ASHANTEE WAR—EXTRA PAY AND ALLOWANCES.—QUESTION.

MR. ION HAMILTON asked the Secretary of State for War, Whether it is his intention to recommend Her Majesty's Government to give the same remuneration to the officers, non-commissioned

officers, and men who were engaged on the West Coast of Africa during the Ashantee War that the troops who were in Abyssinia received, viz. six months' Indian pay and allowances?

MR. GATHORNE HARDY: Sir, there is no such intention as is referred to in the Question of the hon. Member. The Abyssinian Expedition was an Indian one, and the expedition to Ashantee was not.

ARMY—INDIAN RELIEFS—THE 36TH REGIMENT.—QUESTION.

MR. WILLIAM PRICE asked the Secretary of State for War, Why the 36th Regiment, which sailed for India in August 1863, has not been included in the Reliefs either of 1873 or 1874; and if he can state when that Regiment is likely to return to this Country?

MR. GATHORNE HARDY: Sir, the 36th Regiment will not finish its term of service in India until the winter of 1875, when it will be brought back to England.

EDUCATION (SCOTLAND) ACT, 1872—COLLECTION OF SCHOOL RATES.

QUESTION.

SIR ROBERT ANSTRUTHER asked the Lord Advocate, Whether provision will be made for remunerating the parochial collectors of Scotland for the additional labour imposed upon them by the Scottish Education Act of collecting the school rates in each parish?

THE LORD ADVOCATE: The Education (Scotland) Act of 1872 does not contain any provision for the remuneration of the collectors appointed by the parochial boards, who have also to collect the school rates. It is, therefore, a matter for the determination of the parochial boards whether additional remuneration should be given to their collectors in respect of the new duty put upon them by the Education Act.

ARMY—ORGANIZATION ACT—DEPOT CENTRE AT EXETER.—QUESTION.

MR. ARTHUR MILLS asked the Secretary of State for War, Whether it is the intention of the Government to establish a Depot Centre at Exeter?

MR. GATHORNE HARDY, in reply, said, it was the intention of the Government to make Exeter a depot centre.

The Attorney General

IRELAND — DUBLIN METROPOLITAN
POLICE MAGISTRATES.—QUESTION.

MR. SERJEANT SHERLOCK asked the Chief Secretary for Ireland, Whether Her Majesty's Government propose to carry out the recommendations contained in the Report of the Irish Civil Service Inquiry Commissioners, signed in January last, with regard to the Dublin Metropolitan Police Magistrates; and, whether it is probable that any steps will be taken to give effect to that Report during the present Session of Parliament?

SIR MICHAEL HICKS - BEACH in reply, said, it was the intention of Her Majesty's Government to carry out the recommendations contained in the Report referred to by the hon. and learned Gentleman, but this could not be done without making some alteration in the existing arrangements for holding the Courts. This would necessitate the delay referred to in the Question of the hon. and learned Gentleman. He hoped, however, in the course of the present Session to bring in a Bill in order to effect the necessary alterations in the Law.

PARLIAMENT — COMMENCEMENT OF
PUBLIC BUSINESS.—QUESTION.

SIR CHARLES RUSSELL inquired, Whether, seeing the small amount of Private Business before the House, Public Business will be proceeded with at a quarter-past four?

MR. GATHORNE HARDY (for Mr. DISRAELI) said, it was the intention of Her Majesty's Government to make such a proposition, in the hope that it might be acceptable to the House.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE WELLINGTON MONUMENT.

OBSERVATIONS.

MR. GOLDSMID rose to call the attention of the House to the contract made two years ago with Mr. Collman, the upholsterer, for the completion of the Wellington Monument, and to ask the First Commissioner of Works, whe-

ther there was any probability of an early completion of the work? He also wished to know, whether the contract with reference to it had been duly executed, and if not, what steps it was proposed to take with regard to it? The House should remember that the late Duke of Wellington died in 1852, and that the monument, which the national gratitude resolved to erect in honour of his memory was not yet complete in its place in St. Paul's Cathedral. The resolution to erect the monument was arrived at in 1856, and a number of most distinguished architects prepared competitive designs. In 1858, the First Commissioner of Works (Lord John Manners) appointed Mr. Stevens to execute the monument, although he was not the successful candidate among the architects who sent in plans. From that day to this, Mr. Stevens had been occupied more or less in the work, but though constantly pressed by those in authority, he had, he (Mr. Goldsmid) believed, up to the present day not yet completed it. Questions had been put to successive First Commissioners of Works in reference to the matter, commencing in 1867, and, with a curious concurrence, each First Commissioner had fixed two years from the date of the question, no matter what that might be, for the completion of the work. In 1871, the then Chancellor of the Exchequer (Mr. Lowe) took the matter out of the hands of the First Commissioner of Works (Mr. Ayrton), who, not unnaturally, considering the interminable delays, proposed to dismiss Mr. Stevens and employ another architect to finish the monument which had been so long promised. The Chancellor of the Exchequer thereupon entered into a contract with Mr. Collman, who was to retain the services of Mr. Stevens, but to be responsible for the completion of the monument in a period of two-and-a-half years. It turned out, however, that Mr. Collman was no more able to control Mr. Stevens than each successive First Commissioner of Works had been, and therefore the monument remained unfinished. He should therefore like to know whether the condition of matters had improved since the question had last been brought under the notice of the House, and what course the Government proposed to take with regard to the contract, in order to secure, if possible, the

completion of the monument within the lapse of a generation after the death of the Duke of Wellington. It was a great public discredit that our national monuments should take such a long time in completion; and he hoped that the Department that had charge of the matter would take care that in future when the nation desired to honour one of England's heroes, that honour should not be too long postponed.

LORD HENRY LENNOX said, he had, in the first place, to thank the hon. Gentleman the Member for Rochester for the courtesy he had shown in postponing this Question in order to afford him time to ascertain what progress had been made with the monument, and how soon it was likely to be completed; and he was happy to say that the time which had elapsed since he entered upon his present office had not by any means been unfruitful in regard to the progress of the work. He did not wish to enter into the question of the contract entered into with Mr. Collman by the right hon. Gentleman the Member for the University of London (Mr. Lowe.) He did not know how far the term "upholsterer" described Mr. Collman; but he could say of him that he had undertaken the duty of looking after the completion of the monument solely on public grounds, for there was not a single scrap of paper in the Office over which he had the honour to preside to show that he would gain a single halfpenny by the transaction. When he (Lord Henry Lennox) acceded to his present office there remained of that monument to be completed two side groups, and above all the recumbent figure of the illustrious hero, whose achievements the monument was intended to commemorate. Neither of those parts of the works had advanced during the previous two years in any perceptible degree, and if the execution of that monument had continued to proceed at the same rate probably none of the Members of the present House of Commons would have lived to see its completion. He had, however, the honour now to inform the House that the recumbent figure of the illustrious hero had been completed, and was in the hands of the founder. The principal one of the side groups had also been all but completed, and in a very few weeks that also would be in the hands of the founder. The other of the side groups

Mr. Goldsmid

was also making satisfactory progress. Mr. Stevens had given up all private orders of every kind, and had devoted himself with zeal and assiduity to the completion of this great work. The work which had been done was of a super-excellent character, and far more costly than Mr. Stevens need have given to the nation if he had only looked to the amassing of a fortune to himself. One of the marble columns, the main support of the canopy under which the Duke was to be, was completed, and Mr. Stevens' eye detected in it, though no other eye had detected it, a streak of grey which was upon the upper part of the column, and upon that he at once caused it to be removed and a new column to be made.

MR. LOWE said, that it was some satisfaction to him to hear the mode in which the hon. Member (Mr. Goldsmid) had alluded to his (Mr. Lowe's) share in the transaction. He might say that he found that Mr. Stevens had undertaken the contract for less money than the work could possibly be performed for; that he had exhausted the public money; and that he was taking private business in order to get money to carry on his contract. Mr. Stevens was in very bad health, and the work he had done was of a super-excellent quality, but it was in a state of total suspension. His (Mr. Lowe's) first view was to take the matter out of Mr. Stevens' hands and put the remainder of the work up to public competition, so that some other gentleman might finish it. He communicated with, and took the advice of Mr. Ayrton, then First Commissioner of Works, who thought the proper course would be to take the work out of Mr. Stevens' hands and put it up to public competition. He (Mr. Lowe), however, was advised by those who were well qualified to give such advice that it would not be wise to do that; that other artists of equal eminence would not consent to take the work out of Mr. Stevens' hands, and that it would consequently fall into inferior hands. Mr. Ayrton continued to hold his own view, and said that if he (Mr. Lowe) did not agree, the best thing he could do would be to take the work into his own hands and deal with it as he could. He (Mr. Lowe) thought that good advice, and therefore he took it. He communicated with Mr. Ferguson, who thought that the matter could

not be taken out of Mr. Stevens' hands. Then, further, it was impossible to contract with Mr. Stevens, for, though a gentleman of great talent, he did not seem to have any idea of money or its value. When he thought himself, therefore, almost at the end of his resources, Mr. Ferguson suggested that Mr. Collman, as a friend of Mr. Stevens—not with the view of getting the least profit for himself, but to overcome the difficulty of contracting with that gentleman—would enter into a contract and see to its fulfilment. Mr. Collman had done so, and had, he believed, acquitted himself most admirably in the matter. But Mr. Stevens, in addition to his other misfortunes, after the contract was entered into, had a paralytic stroke, and since he had recovered he feared he had had differences with Mr. Collman. He was glad now to hear that the monument was likely to be soon finished. The late Government, however, being in a difficult position, really did the best they could in that business, because it was more important that the work should be well done, than that it should be done at any particular period. And so far from Mr. Collman deserving to be held up to public obloquy, the public were much obliged to him for the admirable judgment and temper with which he had fulfilled his duty. He regretted that for a long time there had been a Notice upon the Paper, in which Mr. Collman was described as “an upholsterer.” He did not know whether Mr. Collman was an “upholsterer” or not, though if he was there was nothing to be ashamed of in the fact; but the insertion of that appellation after his name by the hon. Member for Rochester was invidious and calculated to create prejudice.

GENERAL SIR GEORGE BALFOUR said, he hoped that, in future, Chancellors of the Exchequer would abstain from entering into such contracts, and would not interfere with the manner in which the First Commissioner of Works did his duty.

IRISH JUDICIAL BENCH—APPOINTMENT OF THE JUDGES.

MOTION FOR AN ADDRESS.

MR. BUTT rose, according to Notice, to move—

“That an humble Address be presented to Her Majesty, representing that in the opinion of this House it would be for the advantage of the administration of justice if the Irish Judges were appointed to the same extent as they are in England, upon the recommendation of the Lord Chancellor and without reference to official or political claims.”

The hon. and learned Gentleman said, he felt that he could not, with few exceptions, bring forward any question of greater importance to Ireland than that of the appointment of its Judges. He had to complain that in that matter a diametrically opposite rule to that followed in England was adopted in regard to Ireland. In England the Attorney General had a right, established by long usage, to succeed to a vacancy in the Court of Common Pleas. That was as old as the days of Lord Coke. But the Attorney General had no claim by usage or other right to any other seat on the Bench; and the Lord Chancellor, on his own responsibility, recommended a new Judge to the Sovereign. The rule which obtained in Ireland, however, was wholly different, and it was now perfectly well established that the Attorney General of the day had a right to fill any vacancy on the Irish Bench, with, perhaps, such an exception as that of the Lord Chief Justiceship. Now, in condemning that system, he should carefully avoid canvassing the merits of any individual appointment, while he wished the House to understand that the present was by no means a party Motion. Out of the 12 Common Law Judges of Ireland 10 had filled the office of Attorney General; and since 1835 there had been no less than 28 successive occupants of the office of Attorney General, although between the Union and the year 1835 there were only six. At that time, however, it was not the habit of an Attorney General to accept a Puisne Judgeship. One great evil of the present system was, he might add, in his opinion, that it tended to lower the high office of Attorney General; and another, that no man could hope to be placed on the Bench in Ireland who was not more or less of a political partizan. The Attorney General for that country occupied a position quite different from the Attorney General in England. The former was much more of a political officer, and was in the habit of consulting every day with that anomalous official the Law Adviser to

the Castle, not only on matters of law, but on matters of State, while he discharged, moreover, the duties of public prosecutor. Another objectionable thing was to have the Bench composed of persons who had all been public prosecutors, and who, therefore, were of necessity partizans, and must have rather a bearing in favour of the prosecutions in which they had taken so practical a part. It was the common practice in Ireland for the Judges and counsel to attend the Lord Lieutenant's Levees, the consequence of which very often was to postpone the decision of cases, to the injury and inconvenience of suitors, to another Term; and that to enable them to take part in a mockery of a Court that did no credit to Royalty or Vice Royalty. To show the right of the Attorney General for Ireland to fill a vacancy on the Bench in that country, he might mention the case of a very eminent lawyer, Mr. Blackburn, who, when a vacancy occurred in 1834, during the Premiership of Lord Melbourne, consented to waive his claim only at the request of the Sovereign, King William IV. The hon. and learned Gentleman having quoted passages from Campbell's *Lives of the Lord Chief Justices*, Lord Brougham's speech in 1828 on Law Reform, and *The Law Magazine* for 1867, enforcing the importance of avoiding all political considerations in the appointment of Judges, and of withholding all political duties from them, said he would make no reference to individual cases, but he must testify that during the 30 years he had been a witness of the working of the present system in Ireland, it had deteriorated both the Bench and the Bar. Men like Jonathan Henn and Serjeant Warren, who would have been among the brightest ornaments of the Bench, had passed away to their graves without having had an opportunity of shedding lustre upon the judicial office. He felt compelled to say that he very seldom saw the best possible appointments made. He did not say that he had seen bad appointments—that was a different question; but he would be guilty of unworthy concealment if he did not declare that within those 30 years he had seen appointments made which would never have been conferred if a due regard for the administration of justice had been an element in the elevation to the Bench. The passage

Mr. Butt

he had read from *The Law Magazine* led him to speak of the necessity of keeping Judges strictly aloof from all places or occupations through which they might be brought under the influence of the passions, prejudices, and intrigues which, more or less, prevailed in political circles. He was sorry to say that this principle was not regarded in Ireland. The Judges were all Benchers of the only Inn of Court which existed in that country. Moreover, there were a number of public Boards to which it was usual to appoint them, and this he thought exceedingly objectionable. He disapproved altogether of Judges being singled out in this way for the favours of the Crown. The system did not exist in England, and ought not to be permitted in Ireland. One Board in particular called for notice—he meant the National Board of Education, to which five Judges belonged. He need not describe how in connection with such a body, differences of opinion became disputes and disputes degenerated into altercation. It sometimes happened, even, that the Judges discussed as Educational Commissioners the effect which cases pending in their own Courts would have upon the Board. In one case a Judge had been appointed under the authority of a statute to an office of profit and high salary, held during the pleasure of the Crown. Was this a satisfactory state of things? Was it right that no man should obtain a place upon the Judicial Bench unless he had been engaged in the arena of politics? A system of this kind shook the confidence of the people in the administration of justice. It had a bad effect on the public mind to see the Judges ostentatiously attending Levees and disputing on public Boards. Moreover, it had an injurious effect upon the Judges themselves. A countryman of his had said he looked upon the administrators of the law as a second priesthood; and it was true with regard, not only to clergymen, but also to Judges that things might be unseemly in them which were right in others. All political parties had followed the system he was now condemning. At the present moment, there was only one Judge upon the Bench in Ireland who had been placed there without ever having taken part in political contests. Only one other Judge—namely, the Lord Chief Baron—had never been in Parliament; and while there was no

man who would more honourably and uprightly discharge the duties of his office, it must yet be remembered that it was not his fault that he had not been a Member of that House. He did not mean to say that the Irish Judges failed to perform their duties faithfully and honestly. At the same time, when Judges were found ranged on a purely legal question according to the side to which they belonged in politics, the sight was not one likely to increase the confidence of the Irish people in the administration of justice. He could not see why there should be one rule in England and another in Ireland. The system which had worked well here ought to work well there. It was sometimes said that as the Attorney General for Ireland was obliged, in coming over here, to give up his professional business, it was necessary when he ceased to hold the office to provide for him in some way. Supposing it to be true that he would find it difficult to resume his practice, this would be an argument, not for making him a Judge, but for attaching a pension to the office of Attorney General. If the right system was adopted, he had no doubt it would be as easy in Ireland as in England to find a Lord Chancellor who would independently and without political considerations select men for judicial appointments. For these reasons he begged to move the Resolution he had placed on the Paper.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, representing that, in the opinion of this House, it would be for the advantage of the administration of justice if the Irish Judges were appointed, to the same extent as they are in England, upon the recommendation of the Lord Chancellor, and without reference to official or political claims,"—(*Mr. Butt*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. VANCE was of opinion that, whatever might have been said of the practice of former times, the hon. and learned Member for Limerick had altogether failed to show that the present system did not place on the Bench the most able, the most independent, and the most learned Members of the Irish

Bar. Nearly every one of the Judges upon the Irish Bench had been ornaments, not only of the Irish Bar, but of that House. The Judges of the Court of Queen's Bench were Chief Justice Whiteside and Justices O'Brien, Fitzgerald, and Barry; of the Court of Common Pleas, Chief Justice Monaghan and Justices Keogh, Morris, and Lawson; of the Exchequer, Chief Baron Pallas, and Baron Fitzgerald (neither of whom had been Members of that House), and Barons Dease and Dowse, who all, with those two exceptions, had been ornaments both to the Senate and the Bar. He defied the hon. and learned Member for Limerick to name any members of the Irish Bar, not labouring under temporary disqualification, who were entitled to be placed on the Bench, but who had been passed over improperly—with the exception, perhaps, of the hon. and learned Gentleman himself, whose standing at the Irish Bar would undoubtedly have entitled him to the highest position on the Bench, had it not been for the fault of his friends. The Law Officers of the Crown for England occupied an entirely different position from that held by those for Ireland, because whereas the former, when residing in London, could retain their practice, the latter entirely forfeited theirs; and therefore, unless the Irish Law Officers obtained appointments on the Bench, no barrister of any eminence would accept the office of either Attorney or Solicitor General for Ireland. He did not hesitate to assert, in contradiction to any imputations which had been made upon the present system, that the Attorney and Solicitor General for Ireland were perfectly equal to those in England in judicial knowledge and in ability, and that in brilliancy, wit, and humour they were at least equal to the Law Officers of Scotland. In his opinion, the hon. and learned Member had failed to establish his case, and it would be a great misfortune if the Lord Chancellor, instead of the Lord Lieutenant, had the power of conferring judicial appointments.

MR. SERJEANT SHERLOCK said, that his experience at the Irish Bar had led him to a different conclusion from that at which the hon. and learned Member for Limerick (*Mr. Butt*) had arrived. He was far from saying that the system of selecting for the position of Judges

Gentlemen of the Irish Bar connected with politics was a desirable one; but he did not think that the plan proposed by the hon. and learned Member would be an improvement upon it. In saying this he was far from intending to reflect upon the right hon. and learned Gentleman who was looked upon as the future Lord Chancellor of Ireland, and whose integrity and ability led the Irish Bar to regard him with the utmost confidence. The hon. and learned Gentleman, in adverting to the various posts held by the Irish Judges, in addition to their judicial offices, had forgotten to state that they discharged the duties attached to those posts gratuitously; and as to their being benchers of the only Inn of Court in Ireland, and the influence they possessed as such, they were greatly outnumbered by the benchers who were practising Members of the Bar, and from their numbers and position quite competent to protect the privileges of the Bar. It should be remembered that in England the Equity Judges remained benchers at their Inns. The Common Law Judges vacated their offices of benchers to become members of Serjeants' Inn. The complaint that the independence of the Irish Judges would be influenced by attending the Lord Lieutenant's Levees was unfounded, and was so unjustifiable as to suggest that the Lord Chancellor and the Chief Justices of England, who attended the Levees in England, were influenced in their judicial conduct by such attendance. Were the changes which the hon. and learned Gentleman proposed adopted, he was afraid that, although the political element might not be so prominent in the appointments made by the Lord Chancellor, the family element would be even more so. For the last 30 years the county chairmanship, the judicial office in the selection for which the Lord Chancellor had most power, had almost invariably been filled by sons of Lord Chancellors, if qualified by a certain number of years standing, and, failing them, by sons-in-law. A Lord Chancellor who had marriageable daughters was almost sure to dispose of them to some aspirant to judicial honours. He was not quite sure that if Irish Chancellors were entrusted with the appointment of the Judges, men of high standing, great learning and experience would not be

passed over in favour of sons and sons-in-law. Under these circumstances, he did not see what advantage would result from adopting the proposal of the hon. and learned Gentleman.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) remarked that in viewing proposals of this character it was important to see how they would work practically if adopted. The real question before the House was whether they were willing to place the power of appointing to judicial offices in the hands of the Lord Chancellor, instead of in those of the Government of the day. In considering this, it must be remembered that the Lord Chancellor was a political officer, connected with the Government of the day, that he was appointed with a view to politics, that he changed with the Government, and with them ceased to exist in his official capacity. He was not impressed by the example of Lord Eldon, for he remembered that Sir Samuel Romilly, in his Journal, condemned his appointments as dictated by political partizanship. No doubt, in moderation the spirit of the Resolution should be carried out. For example, no man should be appointed to the Judgeship of the Landed Estates Court who had not special and peculiar qualifications for the office; and with regard to the additional Lord Justice of Appeal he boldly said that a Minister who in appointing to that office made political considerations paramount would totally fail in his duty. They could only trust to the growth of public opinion to check and control improper appointments. The Lord Chancellor might be a person influenced by family considerations, and he objected to such a proposal as that of the hon. and learned Member to make the whole Bar of Ireland dependent, as it were, upon his will and fancy. He was better as an adviser than as an arbitrary selector. It was a mistake to suppose that the appointment of Judges rested with the Lord Lieutenant. All he did was to recommend. The appointment was with the Cabinet, and he had known an instance in which an appointment was wished for in Ireland but was not given by them. He could not support the Motion, although he did not mean to say that much might not be said in reference to the degree in which politics should influence these appointments.

Mr. Serjeant Sherlock

SIR JOHN GRAY said, if one thing more than another had been a cause of dissatisfaction to the people of Ireland with reference to the way in which the affairs of Ireland were administered it was the way in which these offices were filled up. The invariable rule was that only those who were partizans of the Government for the time being were appointed to these offices. He thought the sooner that system of political corruption was abolished the better it would be for Ireland.

MR. MITCHELL HENRY said, the question under discussion was only a fragment of a very large subject. Of one thing he was certain—the whole of the judicial appointments in Ireland, from the highest to the lowest, had been, and were, the cause of the liveliest dissatisfaction. When a question arose in Ireland as to the appointment of a barrister to the Judicial Bench, the Bar of Ireland was not regarded as the Bar of England was—namely, as defenders of the rights of the people, but was regarded as the agent of a particular Government; and men who entertained political sentiments quite opposed to those which they had expressed on the hustings when they were aspirants for Parliamentary honours were frequently appointed members of the Judicial Bench. As to such men it was impossible for him to have any confidence that they would administer the law as it ought to be administered. There was one judicial office at the disposal of the Government for every three practising barristers. He believed that there was no country in the world but Ireland, or perhaps India, in which appointments to the paid magisterial bench were made without any legal qualification in the men appointed. Until the Judges in Ireland were greatly reduced and the Chairmen of Quarter Sessions had duties cast upon them which would fully occupy their time, the Bar of Ireland would never be anything else than a political machine in the hands of the Government of the day. While the present system of judicial appointments lasted, the people of Ireland could not have confidence in the administration of justice in that country. The whole system required amendment. It would, he believed, be discussed when the Judicature Bill came before the House, on which occasion an hon. Member would lay be-

fore the House facts which would astonish the country.

MR. D. PLUNKET said, that after what had fallen from the hon. Member for Galway (Mr. Mitchell Henry), it was impossible for him to remain silent. He was a member of the Bar of Ireland, although for some years he had ceased to practise, he was well acquainted with nearly every member of the Bar, and with every member of the Irish Bench, and he repudiated in the strongest possible manner the assertions which the hon. Member had made. They were wholly without foundation, and could never be justified in any individual case. The hon. Member represented the Bar of Ireland as being corrupt from the highest to the lowest of its members.

MR. MITCHELL HENRY said, the hon. Gentleman attributed to him a statement he had never made. What he had said was that the Irish Bar were instruments in the hands of the Government.

MR. D. PLUNKET said, he would leave it to the House to say whether he had not fairly represented the allegations of the hon. Member. It was really too bad that on every possible occasion a certain set of hon. Members opposite should drag the Irish Judges and the members of the Irish Bar before the House and represent them as being discredited and discreditable. What nonsense it was to suggest that Irish barristers were to be unlike all other men—to take no side in politics whatever. Was that the case in England? There were many members of the English Bar in that House justly proud of their profession, as he was proud of his, yet was their honour ever impeached? If any of those hon. Members happened to be raised to the Bench, could it be said of them that they were unworthy to fill that high position because they had sat in that House and had supported one or other of the two great political parties? Would such a charge be made against the present Chief Justice of the Common Pleas of England, the Chief Justice of the Queen's Bench, and the Chief Baron of the Exchequer, who had been Members of the House of Commons? Among the Judges of England were some of the most distinguished, most admired, and most honoured Members who had ever sat there. Well, then, what foundation had been laid for the charges so recklessly made against the Irish Judges?

On one or two occasions hon. Members opposite had mentioned the names of certain Judges to the House against whom they had preferred charges, but what had been the result? Their insinuations were repudiated, and their accusations were rejected by overwhelming majorities. It was true that the speeches in which those accusations were made had been reported in Irish newspapers, while those in reply had been omitted; but the Irish people were not so slow as to misunderstand the figures of the division. It was little to the credit of the patriotism of hon. Members opposite that they made such charges as these, and if they ever intended to lift to political dignity the movement which they might, by a stretch of language, call national, they would have to set about it in some other way than this. It was not by such insinuations or reckless charges that the English people were to be persuaded that there was something deliberately corrupt in the Irish Bar, or that a man could not there be appointed to a Judgeship who had served for a time in the House of Commons without ensuring an unjust, unreliable, and impure administration of justice. For his own part, he could only say that among the people of Ireland he had lived all his life, and he had never heard those charges brought against the Judges, and that, so far as he had had an opportunity of forming an opinion, those charges were utterly without foundation.

MR. MELDON was astonished and grieved to hear the observations which had fallen from his hon. Friend the Member for Galway (Mr. Mitchell Henry), but he did think and sincerely hoped that in his speech he had not expressed his own sentiments. His hon. Friend was very ignorant, indeed, of the position of the Bar of Ireland, and he could not be acquainted with the public life of many of its members, otherwise he would not have used the ill-considered and intemperate language he did. His hon. Friend had, he thought, adopted the half-crazy utterances lately made by an eminent member of the University of Dublin. It was not for him to enter into any defence of the Bar of Ireland. Many of its members had sat in that House, and had won the respect and admiration of their Colleagues there. For his part, he had never before heard such charges

and insinuations as had been made and thrown out that night, and he could not but think it an ill-considered thing on the part of his hon. Friend the Member for Galway to have stated not his own views and opinions, but those he had found in public prints in Dublin. He (Mr. Meldon) admitted that the judicial system in Ireland was in a very unsatisfactory state, but he maintained that that arose, not in consequence of the political appointments of the Judges, but from the appointment of Crown officials to all judicial posts as a matter of course and right. It was a system that was not calculated to secure the confidence of the people of Ireland. Up to the present time the appointments of the Judges of the Court of Equity had been unexceptionable. It was in the case of the Common Law Judges that he found grounds for complaint, and he maintained that it was not a satisfactory system which allowed Crown officials to step at once from the position of prosecutors to that of Judges. The people could not understand how an officer of the Crown, engaged perhaps for years directing and conducting prosecutions, could suddenly be transformed into an impartial Judge, whose highest duty was to stand fearlessly between the subject and the Crown. He could not agree at all with the objections which had been taken to the system of allowing the Lord Chancellor to make the appointments—a system which he believed would be more satisfactory than that which at present existed. Under the present system the Lord Chancellor was consulted, and his advice usually followed, the result of which was that virtually he appointed, though quite irresponsible. If he was made responsible, as in England, the objections now existing would infallibly be removed.

MR. M'CARTHY DOWNING regretted exceedingly that this subject had been brought before the House. As a professional man for many years, he entirely concurred with the remarks of the hon. Member for Dublin University (Mr. Plunket), believing as he did that the Bar of Ireland was as honourable and independent as the Bar of England, or of any other country.

MR. RONAYNE believed that any one who arrived at the Bench in Ireland owed his elevation to his political opi-

Mr. D. Plunket

nions, and to being a partizan of the Government of the day. That feeling regulated the conduct of almost every young man who went to the Bar, and thus it was that when they became qualified to fill an office, such as the chairmanship of a county, or anything else, they were incessant applicants to the Government. And so the practice ran through every grade. The Lord Lieutenant of Ireland, the magistrates, the high sheriffs, the Crown prosecutors, and every public officer in any department were appointed for their political opinions or through political motives. What he complained of was the system of government in Ireland, under which the appointment to every office of honour or emolument from the Lord Lieutenant to the clerk of petty sessions, was made the reward of political partizanship. An illustration of this occurred in his own City (Cork), where there was a place called a lunatic asylum—which cost £110,000 to build it, and £15,000 a-year to maintain it, hardly a rate levied exclusively on the occupying tenants, and yet the ratepayers who furnished the means had no representation on the managing board, which was nominated by the "Castle" of Dublin. The last two vacancies had been filled by the two defeated Conservative candidates at the last Election. The gentlemen in question were well qualified to fill the positions to which they had been appointed; but the fact remained that they were nominated by the Conservative Government in reward for political services for having endeavoured to secure two seats in the House of Commons for the Conservative party.

Question put.

The House divided:—Ayes 271; Noes 62: Majority 209.

NAVY—WORKS AT HAULBOWLINE. OBSERVATIONS.

MR. RONAYNE rose to call attention to the state of the works at the intended Dockyard at Haulbowline. It was curious, observed the hon. Gentleman, that this very Dockyard was one of the bribes held forth to the Irish people to support the Union. Mr. Cooke, then Secretary of State for Ireland, and the mouthpiece of the Government of the day, informed the Irish people that

the immediate result of the Union would be the construction of docks at Haulbowline—a promise which, like many other more important promises made to the Irish people on that occasion, was either forgotten or ignored by the English Government as soon as the object for which it had been given was gained. Forty-eight years afterwards they found a deputation waiting on Lord Russell and Lord Auckland, urging the fulfilment of that promise. Lord Russell informed the deputation that the Government intended to avail themselves of the advantages of Queenstown "much more than they had done heretofore," and Colonel James was sent over to prepare the plans and design of a coal shed to contain 30,000 tons of coal, a steam factory, a dock, and other works, to be proceeded with immediately. The plans were made, but nothing further was done in the matter. In 1864 the necessities of the public service led to the appointment of a Select Committee on the subject of dock extension generally, and that Committee recommended the construction among others of the dock at Haulbowline, as a work of "urgent necessity" to the public service. In 1865 the works there were commenced, and the Government promised that they should be proceeded with rapidly, and be completed in five years. He had to complain, however, of the great slowness with which the construction of the works had since their commencement proceeded. He had visited Haulbowline lately, having heard from several of the dockyard working men that they had been dismissed because, as they were informed by the officials, the Government had not money which they could apply in payment of their wages; and a few of them informed him that they were told they might return to the works if they would consent to work 2d. a day less. He was not aware that Her Majesty's Government were in such a position as to be obliged to discharge men because they had not money to pay them their wages on Saturday night, but he found the facts stated to be correct. He (Mr. Ronayne) never saw so miserable and desolate a place—indeed, the works were like "the lake of the Dismal Swamp." The convicts had, indeed, nearly succeeded in destroying one of the most picturesque objects in Queens-town Harbour, Haulbowline Island,

for the purpose of obtaining materials to enclose the site of the intended docks, but although it was now nine years since those works were commenced, and many millions had since been expended on similar works in England and Malta, ordered at the same time, not one stone of the new "dock" of Haulbowline had yet been laid. There was ample dock accommodation at Cork for the Mercantile Marine of the port, constructed by local enterprise; but as long as there were no naval docks, Her Majesty's Navy should avoid Queenstown Harbour altogether. In conclusion, he asked the House not to refuse to spend money in Ireland for Imperial purposes because it was Ireland.

SIR MASSEY LOPES, on behalf of the Government, said, the works had certainly been procrastinated long beyond the period originally intended, but there were good reasons for the delay. In the first place, the number of convicts at the disposal of the Irish Government had been very limited; and secondly, unexpected engineering difficulties had arisen in connection with the construction of the works which had greatly tended to postpone their completion. He thought the hon. Member was in error in some of his statements. The works were projected in 1864, and begun in 1865, at the same time as several other docks. The first Estimate for the whole of these works was £6,000,000, the sum then put down for Haulbowline being £250,000. Sir Andrew Clarke, however, reduced the gross Estimate to £4,650,000, and the sum to be devoted to Haulbowline was put at £150,000—the first Estimate being based upon the employment of "free" labour, and the second on that of convict labour. The sum of £20,000 a-year was regularly taken for the construction of the works; but in 1871 it was discovered that there were great engineering difficulties in the way. It was found necessary to have a very large pumping apparatus, and a considerable addition to the works was also necessary. A new Estimate was recently taken, and a further reduction was made, the work being still done by convict labour. When the first Estimate was made it was expected there would be about 1,200 convicts employed on the works; but in reality there had been only 450 or 500, and that was one of the great difficulties with which they

had to contend. The hon. Member alluded to the dismissal of men, but he was not in all particulars correct. In Chatham Dockyard 250 men were employed, and free labour exceeded convict labour. Much progress had of late been made with the works, in particular since Mr. Andrews was placed in charge of them. A Report had recently been received of them stating that, in all probability, they would be constructed for the estimated amount of £330,000, and the Director of Public Works did not recommend that a larger sum than £20,000 a-year should be taken for the work, unless the number of the convicts was increased. £750,000 were voted within the last nine years, and only £650,000 were taken. The Government believed it to be a necessary and important work, and they had no wish to postpone it in any way, but, on the contrary, they had every desire to expedite it, and the First Lord of the Admiralty had determined not only to send an Inspector to the spot, but to visit it personally.

CAPTAIN NOLAN said, he thought there was a policy on the part of successive Governments of leaving Ireland out of all strategic consideration in time of peace, and a desire to concentrate all the naval and military establishments in the South of England. Out of £6,000,000 or £7,000,000 which had lately been expended upon defensive works, only about £60,000 had been expended in Ireland.

SIR EDWARD WATKIN said, he had some knowledge of Ireland, and if there was any place where Dockyard accommodation was more wanted than another, it was Queenstown, which was a great commercial station. The hon. Gentleman said that £20,000 had been expended yearly on public works at Queenstown, and the reason why they did not expend more was that they could not get convict labour. Now, that was very creditable to Ireland. His (Sir Edward Watkin's) opinion was that they could get free labour quite as cheap as convict labour. It appeared to be the determination of the Government not to take the economical and expeditious way of completing the work now in progress, but to dawdle over it for half a century simply to enable the Chancellor of the Exchequer to accommodate his Estimates. According to the calculations of the Government, it would be 20 years before the work was finished, and he

Mr. Ronayne

ventured to say that in that event it would cost 30 or 40 per cent more than if they did as any business firm would do, and pushed it forward to completion within three or four years. He insisted also that it was the duty of the Government to redeem the promises made to the Irish people on the subject.

MR. GOSCHEN might remind the hon. Gentleman (Mr. Ronayne) that the whole of the money voted was not expended.

MR. MCCARTHY DOWNING said, he remembered it was stated in the Report of the Commissioners that free labour was to be employed. Of £7,000,000 which were voted to be expended on harbours, and other public works, only £260,000 was voted to be applied on the works at Haulbowline, Ireland, and that sum was reduced by £100,000. There was a very strong feeling on this subject in Ireland, and also in reference to the men who had been dismissed. He thought the Government ought to take up those works earnestly, and complete them in reasonable time.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £85,442, to complete the sum for the British Museum.

MR. SPENCER WALPOLE said, that on the face of the Vote it did appear that there was a considerable diminution in the sum asked for this year, as compared with that granted last year; but that diminution was entirely owing to Supplementary Grants having been taken last year; first, for the exploration going on in Assyria; and secondly, for the purchase of that valuable collection known as the Castellani collection. The present Estimate, however, was substantially the same as those which had hitherto been voted from year to year. There was only one circumstance which he felt bound to mention in connection with the Estimate. It was, that it was possible that the Trustees might have to apply to Parliament for an additional grant, in order to make a purchase of some very valuable Roman and Greek

coins. As to the Vote itself, he did not imagine that there would be any serious question raised in regard to it.

SIR WILLIAM HARCOURT wished to suggest to his right hon. Friend, whether some means might not be taken for making the great treasures contained within the British Museum more available to the public than was at present the case. He had long thought that if a system of lectures were instituted in connection with the organization of the British Museum, it would be of enormous value and interest to the nation at large. The gentlemen who presided over the British Museum had at their command such resources as no others in the world had. It was true that the British Museum was nominally open to the public; but that opening was, if he might use the phrase, an unintelligent opening, because people wandered in weariness and ignorance throughout the collections without having the remotest knowledge of the character and resources of that great establishment. The learning of the British Museum was written in hieroglyphics, and it was advisable that its mysteries should be translated into the vulgar tongue, so as to become intelligible to the nation at large. He understood that this might be done for an expenditure of £1,000 per annum. He ventured to throw out this suggestion for the consideration of the right hon. Member for Cambridge University and of the Prime Minister, who, amid the turmoil of politics, had never forgotten the claims of literature, of science, and of art.

COLONEL BERESFORD drew attention to the discontent that prevailed among the officers of the British Museum on account of the lowness of their salaries. Last year the Trustees proposed that the salaries of these officials should be increased, but the late Government refused to entertain the proposal. In the early part of the present Session, the Prime Minister, in reply to a Question put by the hon. and learned Member for Limerick (Mr. Butt), had stated that the Treasury were prepared to receive further communications from the Trustees on the subject. He understood that the Trustees had now suggested that only one—that immediately above the lowest—class of officers should receive an increase of salary, and he wished to know from the right hon. Gentleman the cause

for this change in the nature of their recommendations.

SIR JOHN LUBBOCK said, he was in favour of an organized system of lectures in the metropolis; but he thought there were difficulties in the way of carrying out the suggestion of the hon. and learned Member for Oxford (Sir William Harcourt). There was, however, a very general opinion that something of the kind should be done. As his hon. Friend the Member for Sheffield (Mr. Mundella) had given Notice of a Motion on the general question of the management and administration of the British Museum, he would not now go into that matter, further than to express a hope that the Report and recommendations of the Commissioners on Science and Scientific Instruction might receive the attention of Her Majesty's Government. He was, however, anxious to say a few words in reference to the salaries of the keepers and assistants in the Museum. Last year the Trustees appointed a sub-committee, which went very carefully into the whole matter. They did not recommend an indiscriminate increase, giving their reasons in some cases for not urging an advance; but they did recommend certain alterations—for instance, that the maximum salary of senior keepers should be raised to £750, of junior keepers to £600, of senior assistants to £500. The sub-committee stated that, as a matter of fact, the Museum was losing, and would continue to lose, its best men. This report of the sub-committee was subsequently approved and adopted by the general body of Trustees, but not acceded to by the Treasury. He hoped, however, that those recommendations would be reconsidered. The suggestions of the sub-committee did not seem unreasonable, and every lover of science and art must feel that it was a most serious thing when they were told that the Museum was losing its best men. They should remember that in the keepers and assistants they required men of very special attainments, which could only be acquired by constant study, and by persons of very considerable intellectual powers. The keepers of the British Museum had, moreover, the charge of collections the value of which was almost inestimable, and which could never be replaced. The chief clerks in other departments were much more highly paid than the chief assistants, or even the

keepers of departments in the British Museum, though the qualifications required were certainly not less in the latter case. He saw, on looking at the report to which he had referred, that the sub-committee contained three Members of Her Majesty's Government—Lord Derby, the First Commissioner of Works, and last, not least, the right hon. Gentleman the Prime Minister himself. Under all the circumstances, therefore, he trusted that this matter would be reconsidered. They were all proud of the Museum; it was an honour to the country, it reflected great credit on those in whose charge it was placed, and nothing should be allowed to interfere with its present high state of efficiency.

SIR JOHN KENNAWAY also hoped that the recommendation of the sub-committee of Trustees would be given effect to. That it was a most reasonable one was evident from the fact that the salaries now paid had been fixed so far back as the year 1812.

MR. CARTWRIGHT advocated a rearrangement of the art collections of the Museum with a view to their more effective exhibition. The Elgin room was the only department of the Exhibition in which anything had been done in that way, and it was much to be desired that the work should be carried on in other directions. With reference to the suggestion that the salaries of the officers should be increased, he hoped it would be favourably received by the Government. It was not reasonable or just that, with increased and increasing duties, the emoluments of the gentlemen in question should be allowed to remain at the level that was fixed 40 years ago.

MR. BERESFORD HOPE was also in favour of a liberal re-consideration of the salaries of the officers of the British Museum. Their duties were not the ordinary duties of mere administrators in other offices, but of men who were pledged to keep up the literary and scientific reputation of the country by using the emoluments of which they were guardians in the prosecution of independent study. Every year the Museum became more and more—not merely a depository of valuable articles in art and science also, but a focus of instruction and discovery, and a means of propagating scientific knowledge throughout the world. If the British Museum was to hold its own in comparison with Con-

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tinental Museums, the Government and the country must be prepared to pay the price necessary to secure the best literary and scientific labour that could be obtained, not merely to retain intelligent keepers, but men whose time and thoughts had an acknowledged value in the market of international authorship. The present Trustees were, he trusted, prepared to carry on the good work, and they would do this all the more efficiently if they knew that they were backed up by a strong public opinion.

MR. SERJEANT SHERLOCK said, he thought the House was unanimous in believing that the salaries of the officials in the Museum ought to be increased. Their duties were onerous and important, and had been constantly increasing, but since 1836 there had been no increase of salaries. As compared with officers of other Government institutions they were very inadequately remunerated. Their claims were well deserving of consideration.

MR. SAMUELSON said, he had heard on what he believed was good authority that the proposals made to the Royal Commission on scientific instruction, by men of the highest authority on such subjects, with a view to rendering the Natural History collection more readily available for purposes of study and instruction on its removal to South Kensington, were to be disregarded by the Trustees, who proposed arrangements which would render it impossible to use the collections in the way suggested. He hoped this would not prove to be the case, or that if no positive assurance could be given on the subject, they should, at any rate, be informed that the Government were prepared to consider the question. The mistake, if made now, would, inasmuch as it involved structural arrangements, be most difficult to remedy.

MR. BUTT said, he hoped the Government would see their way to adopt the higher scale of increase in salaries recommended by the Commissioners two years ago, and which did bare justice to the case, instead of the modified proposal which had now been put forward.

MR. SPENCER WALPOLE said, that with regard to the subject of salaries, the Trustees had made recommendations to the Treasury, and that the Treasury had declined to raise the scale in the British Museum unless there was some general rule made applicable to

every department. It was then pointed out that it was desirable to increase the salaries of the junior clerks, as at present they were not sufficient to induce them to remain in the Museum. The Trustees recommended an increase in the minimum salaries at which that class entered, and also in their maximum salary, and the Treasury sanctioned that recommendation. The salaries of the keepers had not been raised since 1833 or 1834; but it was not correct to say that all the other salaries had not been raised, for there had been a general rise, given in his recollection, with the concurrence of the Treasury. The Trustees had recommended that three, at all events, of the keepers of collections on whom additional duties and responsibilities had been cast—namely, the keepers of the Geological, the Coinage, and the British and Mediæval collections—should have their salaries raised to an equality with all the other keepers, and the Treasury had acceded to the recommendation. The cases of one or two other classes of officers in the Museum were about to undergo a further examination, and it was not the desire either of the Trustees or, he was sure, of the Government, to deal hardly with those most trustworthy and deserving persons. With regard to the accommodation for exhibiting the collections, he should mislead the Committee if he did not say that until additional space was provided they could not have as complete arrangements for that purpose as could be desired. With regard to the remarks made by the hon. Member for Banbury (Mr. Samuelson), authorities as great, or even greater than those quoted by the hon. Gentleman had, after full consideration, reported that the method he had referred to was not the best one for exhibiting those collections. For some years past a practice had grown up that was found very useful, by which different parts of the Natural History and the Antiquarian collections were explained on Saturdays to parties of some 40 or 50 persons. There was no accommodation in the Museum for giving lectures; but the arrangements to be made at South Kensington for the Natural History collections included two good lecture-rooms, in which the suggestion of the hon. and learned Member for Oxford (Sir W. Harcourt) would be carried out as far as regarded those collections.

SIR JOHN LUBBOCK asked whether there was any objection to make known what system of arrangement was proposed to be adopted in the new museum at the Natural History collection for South Kensington?

MR. SPENCER WALPOLE, in reply, said, that no arrangements such as that to which the hon. Baronet referred could be made without an Act of Parliament, and that the proper time to state what the arrangements would be was when such a Bill was introduced.

Vote agreed to.

(2.) Motion made, and Question proposed,

"That a supplementary sum, not exceeding £35,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, in aid of Colonial Local Revenue, and for the Salaries and Allowances of Governors, &c., and for other Expenses in certain Colonies."

MR. J. LOWTHER said, the Government, in proposing the Vote, had been actuated by motives which he would briefly explain to the Committee. It was manifest that there were only two alternatives which were available to the Government with respect to the Colony in question. The one was the policy of total abandonment, and the other was that of remaining in the Colony on what he must suppose was meant to be a satisfactory footing; both of which views had recently been advocated in that House. Now, it was undoubtedly true that for many years past what he might term a half-way system had been in vogue with regard to the Gold Coast. They had adopted, in its case something like a starving policy, and had cut down the public service to the lowest possible dimensions. The result had been that that which was an apparent economy had landed the country in a vast outlay. Now, that was a policy which it was not the intention of Her Majesty's Government to follow in future. It was, on the contrary, their intention, with the assistance of Parliament, to pursue a policy which would efficiently meet the requirements of the public service, and enable the officers who represented Her Majesty on the Gold Coast to discharge their duties in a satisfactory manner. Among other things which the Government were resolved at once to terminate was the anomaly that the rates of pension which

prevailed in other tropical climates should not apply also to our West African Settlements. It was, he might add, the intention of the Government, in proposing the additional Vote under consideration, to initiate a system by means of which constant assistance from the Imperial Exchequer would not hereafter be required by the colony. He did not, at the same time, feel himself in a position to say that it might not be found necessary at some future date to come to Parliament to ask for another grant in aid of the revenues of our West African Settlements, although he hoped that such a vote would not be needed for many years. He must not be understood, however, as giving any sort of guarantee that the revenues of those Settlements would be such as to preclude the possibility or even the probability of future appeals to the generosity of Parliament. He would now tell the Committee that the main feature of the scheme about to be adopted by the Government was the union of all the Gold Coast Settlements with Lagos. The affairs of Lagos and the Gambia were, under the present system, administered by an Administrator, who, in his turn, was subject to the Governor of Sierra Leone. That system was proved to have many defects. The distance between the various points was so great that anything like a comprehensive supervision of the details or even the outlines of administration by any one person was found to be utterly impossible. It was now therefore proposed that the Gold Coast Settlements and Lagos should henceforward be separated from Sierra Leone, to be administered by one Governor, with a Lieutenant-Governor at Lagos. After what had occurred in "another place," he need not recapitulate all the details of the scheme; but he wished to observe that, according to the Returns to which the hon. Member for Tamworth had on a former occasion referred, the revenues of the Gold Coast amounted in 1872 to £40,165 a year. Since then those Settlements had been very much disturbed, and the revenue had shown a tendency to decline. He was able, however, to state that, according to Sir Garnet Wolseley, it was anticipated there would be an increase in the revenue for the current year, which was estimated at £52,000. Now, to that sum he proposed to add £35,000, three-fifths of which might fairly be put down

to capital account, inasmuch as it was intended to dispose of the money in the following manner:—Additional salaries—the figures to be taken approximately—£6,000; £4,000 for miscellaneous items, which sums went into the annual expenditure account. There was then a sum of £10,000 for telegraphs, and a further sum of £15,000 for buildings and roads. He now came to the consideration of a most important point—where the seat of Government should be established. At present the capital of the Coast was Cape Coast Castle, which was perhaps one of the places least fitted to be the habitation, not of Europeans only, but of any race of human beings. Sir Garnet Wolseley had eloquently described Coomassie as a perfect charnel house; but he ventured to think that persons who perused the statistics showing the mortality at Cape Coast Castle and the number of persons who were obliged by ill health to leave the place would come to the conclusion that Coomassie was not the only charnel house on the West Coast of Africa. Indeed, considering the mortality among Her Majesty's servants at the present capital, it might be permissible to doubt whether human sacrifice was confined within the limits of the Ashantee Kingdom. It was proposed that that spot should no longer be the head-quarters of the Government. Coming to the question as to the place to which the seat of Government should be transferred, he would refer to two places which had frequently been suggested—namely, Elmina and Accra. Both of them presented many features which would render them suitable for the purpose. Elmina possessed a harbour which, while not particularly good, was still for these regions a very fair one. Accra was more central, and in many respects preferable, but unfortunately was not so well situated as regarded marine accommodation. Indeed, it could hardly be said there was a harbour at all; but there was a roadstead, which was used for want of anything better. Probably the Committee would agree with him that before a place was fixed upon there ought to be a careful local inquiry. Indeed, his noble Friend the Secretary of State could not be expected to come to a decision in the matter without the assistance of local knowledge and investigation. It was proposed, therefore,

to leave the point for further consideration, and meanwhile a most diligent local inquiry was being made. Before long, a decision would, no doubt, be arrived at. Connected with this question was that of the establishment, on a more healthy spot than could be found on the coast, of a sanitarium, to which the seat of Government might be transferred in the less healthy seasons of the year. There were times when existence at the Coast was almost a matter of impossibility, or, at all events, was attended with very great danger; and it was absolutely necessary that the public servants should be able, during a considerable part of the year, to betake themselves to a more favourable locality. Among the places which had been suggested was Accrapong, about 35 miles from Accra, and where for many years past there had been a number of German missionaries residing, whose experience of the spot had been favourable. He could not hold out the hope that even a sanitarium would be found an enjoyable abode; still, he believed that many of the evils inseparable from residence at the Coast would be obviated at Accrapong. There was another place presenting the same features and equally high up, and with the advantage of being only 15 miles from Accra. It would be necessary in this matter, as in that of the capital, to have inquiries made on the spot before coming to a decision. Wherever the sanitarium was established, buildings would have to be erected, and roads leading to it would have to be made. There was a road of some kind already existing from Accra to these hills, and no very great outlay would be required to make it serviceable. The character of the buildings it would be impossible at present to decide; but there would be no occasion in such a climate to make them of a very substantial character. The Vote for which he now asked might reasonably be expected to cover the entire expense. It must be understood that the Governor would not reside on the hills at any period of danger, when there would be a possibility of his being surrounded by hostile tribes. At such a time he would, of course, be at the place where the troops at his disposal would be located. It must be admitted that the climate was utterly unsuitable for British troops; and much as he, speaking for himself as an

individual, was an advocate of the policy of sending troops drawn from one dependency to discharge garrison duty in other dependencies of the Crown, he was obliged to acknowledge that in this case the West Indian Regiments—Africans by extraction as they were—were almost as unfit to bear the deadly climate of the Gold Coast as the European soldiers. Her Majesty's Government were therefore obliged, not without regret, to depend entirely on local resources for the maintenance of an armed force. Fortunately they were not without some knowledge in the matter, for the Houssa contingent had already done good service, and it was hoped that a force of some 1,000 or 1,100 Houssas—he could only mention an approximate number—recruited from various tribes, would be sufficient to meet the requirements of the Settlement. There had been a report that it was the intention of the Government to send out an administrator to the Gold Coast for one year only, and to reserve till a future time the final settlement of the question as to the government. This report had no foundation in fact. Her Majesty's Government had made up their mind that the Consolidated Settlement of the Gold Coast and Lagos should be under one Governor, with a Lieutenant Governor, and the appointment to the office of Governor had already been made. For the Consolidated Settlement there would, besides the Governor, be a Colonial Secretary and a Treasurer, while for Lagos separately there would be a Lieutenant Governor and a Sub-treasurer. The reason for the appointment of a Sub-treasurer was that it had been found necessary to keep the accounts of the two Settlements distinct. The Governor would be assisted by a small legislative and executive Council, on the principle which had been found to work well in other Crown colonies. Any idea of calling Natives of the Coast into the Council, to assist in the government of the dependencies, must be dismissed as chimerical. It would be perfectly futile to attempt, even to that extent, a system of representative government. Besides the officers already named, there would be, for the Consolidated Settlement, an Auditor, a Chief Justice, a Queen's Advocate, who would also discharge the duties of public prosecutor, a commanding officer of the armed police,

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a Colonial Engineer, and a Chief Surgeon. These would be the principal officers. There would be certain subordinate officers to be appointed hereafter. The selection of a Governor had caused his noble Friend at the head of the Colonial Office no little anxious thought. He had stated that the Colony was to be administered as a Crown Colony, which meant that it was to be subject to the personal rule of the Governor, and it was therefore all the more important to obtain the most competent man who could be found. It was essential that the person selected should have bodily strength and experience; and, after anxious consideration, the choice of the Secretary of State had fallen upon Captain G. C. Strachan, R.A., who was now acting Administrator of Lagos. This selection was not made without taking many circumstances into consideration. It was almost essential that the person selected should be in the full vigour and prime of life. It was not to be expected that one who did not possess youth and vigour would face the anxious responsibilities of governing such a Colony. Captain Strachan officiated as aide-de-camp to the right hon. Member for Greenwich (Mr. Gladstone) during his short administration of the Ionian Islands, and subsequently he acted in a similar capacity to Sir Henry Storks. Captain Strachan had been Colonial Secretary in the Bahamas, and since then Administrator of Lagos. It would be seen that he had experience, and the Government had every confidence in his ability and full hope that a valuable appointment had been made. He hoped the hon. Member for Hackney (Mr. Holmes), as a Scotchman, even if he at the present moment felt disposed to question the policy of extending the sway of the existing ruler of Lagos over the larger territory of the Gold Coast, would be able to contemplate it hereafter with as much satisfaction as they now did the union of England and Scotland. It was proposed that the salary of the Governor should be £3,000 a year, with an additional £500 a year for travelling and other expenses. It would be among the first duties of the new officials to institute inquiry into the whole system of law and judicial procedure, which now were by no means satisfactory. Considerable alterations, he thought, would be required in the law and in the mode

of carrying it out. Then there was the question of domestic slavery. Unhappily upon the Coast of Africa domestic slavery had always prevailed as an institution. Some hon. Members would say it was the easiest thing in the world to put down that or any other institution. He regretted that many who, on other subjects were rational and reasonable, apparently lost all self-possession and practical sagacity on the subject of slavery, and diminished the value of their counsels by laying down crude theories which would not stand the test of experience. If we were to insist on the total and immediate abolition of slavery on the Gold Coast, the Government must ask, not for £35,000, but for a sum not inferior to, if not in excess of, the cost of the war against the King of Ashantee—they must ask for something like £1,000,000 either to compensate the owners of the slaves or to maintain troops for carrying on another war. It would be perfectly impossible to put down an institution like this, which had taken so firm a hold upon the minds and habits of the people, without a large occupying force and comprehensive measures of repression. In reply to those who said we should not consider any of these questions in dealing with a matter of principle, he would say he would not advocate any attempt to repeat in West Africa an experiment which had been tried not many thousand miles from the House, in governing one country according to the ideas of that country when they ran counter, not only to the ideas of the majority of the people of the United Kingdom, but also to the first and elementary principles of right and justice. He would not advocate the government of the Gold Coast according to Ashantee ideas; but it must be manifest no statesman would be justified in attempting to carry out preconceived ideas and theories, however just and sound, when they ran counter to every conceivable idea which had entered into the minds of the Natives they were called upon to rule. Therefore, the Government proposed to seek the gradual—he hoped he should not be understood to mean the tardy—abolition of domestic slavery. It must be understood that this was a question in reference to which, time and the officers proposed to be sent out must have the opportunity of making an impression upon the feelings, preju-

dices, and ideas of the Natives, and the House must not expect that it could be settled in a day. It was right to say that in the present condition of affairs on the Gold Coast there were certain reasons for hoping that many of the evils which characterized our previous occupation might be, in the course of time, removed. The Treaty with the King had been newly signed, and 200 ounces more gold, in the shape of ornaments, had been handed over to our officers. He mentioned this, not so much on account of its value, but as an earnest of the good faith of the King of Ashantee. King Coffee had requested that his son might be allowed to come to England, at his own expense, to be educated under the care of the British Government, and that might be taken to mean more than at first sight appeared. We knew the extreme jealousy with which these barbarous tribes regarded the separation from them of their nearest of kin. When we demanded hostages, the King expressed his aversion to separating near members of his family from himself. It might, then, be inferred that the King was abandoning that jealousy and suspicion of British power which he had always hitherto displayed. He did not wish to give a rose-coloured view of the circumstances of the case, but we might reasonably hope that we had borne down to a great extent the hostility and opposition of the Ashantees. He regretted that depredations upon Ashantee traders which were charged to Fantees had not yet terminated; there were still reports of interference with Ashantee traders by Fantee tribes; and this was a matter which required to be rigorously dealt with. If we were to hope for the co-operation of the various native tribes in our occupation of this Protectorate we must maintain order, and strict injunction had been forwarded to the officers in charge of the Settlement that these outrages should be rigorously put down. He hoped by this time considerable progress might have been made in that direction. The Government would also direct that encouragement should be given to the legitimate trading of the Ashantees; and this was, perhaps, the channel through which we might hope to effect the greatest amount of reform. It would not be necessary further to detain the Committee. If in the course of

the discussion which was likely to arise any hon. Gentleman wished for further explanation, if it was in his power he should be happy to give it. He had shown that it was necessary that the sum asked for should be granted to the Government. The House had refused to adopt the alternative of withdrawing from this Coast, and the Government were not disposed to adopt half measures. Gradual abandonment was of all others the course which was most to be deprecated. Circumstances might arise in which reconsideration of our position might be needful, but when that time came, Parliament must be prepared to deal with the matter immediately, and by no half measures. The hon. Gentleman concluded by thanking the House for the kindness with which they listened to his statement, and by moving the Vote.

Mr. HANBURY said, he wished to state the reasons which had induced him to put on the Paper the Motion which stood in his name—namely, to reduce the Vote by £10,000. In his judgment, we were bound by considerations of duty to remain on the Gold Coast, as otherwise the Ashantees would either overrun the district and offer human sacrifices within sight of Cape Coast Castle, or else they and the Fantees would drag on a remorseless war. If, however, we were bound to stay there at all, we were bound to stay there permanently; because the policy of remaining there in order ultimately to abandon the Coast caused vacillation in our counsels and produced the very difficulty it was intended to prevent. It was a very great gain that we had now got for these Settlements a thoroughly well qualified Governor, who, it might be expected, would be able to remain there; and the Government ought, as far as possible, to leave his hands unfettered, and to give him full discretion, especially with regard to the manner in which he wished to deal with the Native races. There were two systems under which we might deal with the Native races; the one being to maintain perfect neutrality between the two, and the other our own system of taking sides with one or other of them. If the latter course were maintained, we might either take the Natives under our protection and constitute a Crown colony, or we might continue that system of protection which

had been attended with such fatal results. The creation of a Crown colony would, in many respects, be the better plan, for we should, after all, only assume the same responsibilities that we incurred by the establishment of a Protectorate. In 1844 the miserable tribes of Fantees were taken for the first time under our protection; in 1852 our jurisdiction was confirmed by the imposition of a Poll Tax; and since then we had undertaken the administration of justice, and taken nearly all power out of the hands of the Chiefs. Indeed, we were assuming responsibilities in a much more dangerous form than if we constituted the territory a Crown colony. The result of our contact with the Fantee tribes was that they were becoming more demoralized year by year. In his opinion, the only proper course for us to adopt was to remain on the Coast simply and solely as policemen, to keep the peace between the two hostile tribes. The war had put an end to all claims the Fantees might have had upon us for a continuance of the Protectorate as it was understood by Her Majesty's Government. Again, in taking over the Dutch possessions we became, to a certain extent, bound to enter into an alliance with the Ashantees, and it was most important that we should cultivate friendship with this superior race. We had met the Ashantees six times, and it should be recollected that this last war was the first occasion in which we had defeated them. So long as the Ashantees saw that we gave protection to those wretched people the Fantees, they would be discontented, and would be disinclined to enter into a Treaty with us; and so long as that state of things existed, we should have no security, or only a very small security, for the maintenance of peace on the Gold Coast. Our one security was the goodwill of those Ashantee people. The education in this country of a so-called son of the King was no security at all, and as the inheritance descended in that country of conjugal infidelity to brothers and nephews and not to sons, the probability was that this youth would be no son of the King. While we did not allow arms to be imported into the territory we had undertaken to protect, we allowed them to be imported into the territory of the Ashantees, and the whole policy of the Government amounted to this—that we were to maintain the Pro-

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tectorate, and, therefore, to be subject to the old obligations, but were to disarm the very people whom we had undertaken to protect. That seemed to him a ridiculous proposition, and, therefore, he hoped that before the evening passed the Committee would be informed that the Government had changed its mind on that subject. He would suggest that, instead of adopting the policy of the Government, the course recommended by Governor Maclean, and strongly supported by Sir Garnet Wolseley, should be adopted, whereby the importation of arms into the West Coast of Africa would be entirely prohibited. There could be no hope of civilizing that region unless all the European Powers entered into an agreement to prohibit the importation of munitions of war into it. Her Majesty's Government ought to release themselves altogether from the obligations which the Protectorate of the Fantees imposed upon them. If another war should break out between the Fantees and the Ashantees, the latter would require to be supplied with very much better weapons than they had in the late war on the Gold Coast, and a great many of our countrymen would be very glad to supply them with better weapons. By stopping a supply of arms we should not only encourage trade in Ashantee, but a passage of trade through that territory. It was absolutely essential in our own interests, not less than in the interests of humanity, that we should prevent the smuggling of arms into the territory of our late enemy. One mode of effecting that most desirable object was an appeal to public opinion, which was all the more necessary when they found that respectable traders had been found ready to supply the Ashantees with arms to be used against Englishmen. It was to be regretted that of the three tribes we had recognized the two worst, and our relations with them would one day, he was afraid, involve us in a war, the horrors of which would exceed anything they had yet heard of. In conclusion he begged to move the Amendment which stood in his name.

Motion made, and Question proposed,

"That a supplementary sum, not exceeding £25,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, in aid of Colonial Local Revenue, and for the Salaries and Allowances

of Governors, &c., and for other Expenses in certain Colonies."—(Mr. Hanbury.)

MR. J. HOLMS, after complimenting the Under Secretary for the Colonies (Mr. Lowther) on the ability and clearness which characterized his statement, said, that he quite agreed with him that the alternative presented to this country was that we should either leave the Gold Coast altogether, or make our government there more efficient, and our authority more respected. He had himself on a former occasion advocated the first course, but the feeling of the House was clearly opposed to his view. Since then, however, a change appeared to have taken place in the views of several hon. Gentlemen, and he thought the speech of the hon. Gentleman the Member for Tamworth (Mr. Hanbury) was very much in that direction. He was quite ready to admit that her Majesty's Government were placed in a difficult position when they came to consider what was the form of government they should establish on the Gold Coast. He understood, however, from a statement made by the noble Earl the Colonial Secretary in "another place," that while the circumstances of trade were not sufficient to induce us to remain on the Coast, still we could not abandon the Protectorate without a breach of the moral obligations into which we had entered with the protected tribes. He also understood it was part of the scheme of the Government that they should control in the future the importation of arms and ammunition, but if they were entirely successful in keeping out guns and gunpowder from the Protectorate he believed their object would signally fail, because any quantity of guns and gunpowder could find their way into Ashantee from the west. It was said that we might get over that difficulty by taking the French settlement into our hands; but even then guns and ammunition would pass in by the port belonging to the King of Dahomey; and the result would be that all the raw produce of Ashantee, its gold and its ivory, would in return find its way down to the King of Dahomey's port, so that, without succeeding in our object, we should lose the trade of the country; and it might happen that the Kings of Ashantee and Dahomey—for they were very friendly with each other—might unite in attacking us at the first favourable opportunity. On the subject of

domestic slavery, in the event of our establishing a colony on the West Coast, slavery must be done away with; and in that view they would have to make up their minds to pay the cost of its abolition, which they had heard would amount to about £1,000,000. With regard to the Legislative Council, he trusted that it would not be composed merely of a small number of officials. The presence of some English merchants would be a great advantage, and he believed from the time of Governor Maclean to a very recent period the European merchants had had a voice in the administration of affairs. It would be wise to admit some native merchants into the Legislative Council, so that the Natives might be encouraged to take a part in the government of the Coast. He gathered that a military force would be kept there of from 1,000 to 1,100 men; and he feared that the sight of so large a force would kindle a spirit of anger and a thirst for revenge on the part of the Ashantees, while it would lead our allies to depend upon us in the future as in the past. It was, he was afraid, a continuance of the old policy to press the Ashantees back from the Coast, to which they must find their way in order to obtain salt, a commodity of which they were entirely deficient; whereas if we encouraged them to come down to Elmina and mingle with the neighbouring tribes we should get rid of one source of difficulty. The fault of the Government scheme was that it paid too much attention to the Fantees and too little to the tribes from which we must look for civilization in Africa. If any one moved the rejection of the Vote he should go into the Lobby with him, because he believed we were about to establish a great Empire on this Coast which would involve us in endless difficulties.

ADMIRAL SIR WILLIAM EDMONSTONE supported the Vote, and thanked the Government for the wise and sound policy they had adopted, which reflected credit on the Department which his hon. Friend the Under Secretary to the Colonies so worthily adorned. If that policy were intrusted to a fit person on the spot, and if he were not too much interfered with by the Government at home, it would materially develop the resources of the Coast, and redound to the credit of this country. The great mistake had hitherto been in making the

Chief Administrator reside at Sierra Leone, but as soon as this became a consolidated Colony, it would become a fine country for our mercantile interests. Great complaint had been made about the importation of arms being still allowed, but along such a Coast it was quite impossible to prevent importation. We had found this even in Russia during the Crimean War, when, notwithstanding all our precautions, arms were regularly imported. War was the normal condition of the Blacks on the Coast, and a negro was never happy unless he had a musket in his hand and plenty of gunpowder. Domestic slavery was a terrible source of anxiety to himself when he was on the Coast; but he saw no possibility of interfering with it. The best way was to deal with it cautiously, and if wise measures were taken it would gradually disappear. Two places, Elmina and Accra, had been mentioned as the probable seats of Government. Accra was the more central, and probably, on the whole, the better. With regard to a sanitarium, he thought they could not do better than follow the steps of the missionaries, who generally selected a nice and comfortable spot for their station. He entirely concurred in the policy of the Government, and trusted they would be able to carry it out.

SIR WILFRID LAWSON said, he had read with great pleasure that morning the speech of the Prime Minister at the Merchant Taylors', by which, as far as he understood it, he meant to imply that the House of Lords represented 28,000,000 of people, and the House of Commons only 2,000,000. That would account for the Government first laying their proposal on this subject before the House of Lords; but if the House of Commons only represented 2,000,000, they represented the taxpayers of the country, and the question now before them was whether this Vote was really to benefit this country or the world at large. Were they to vote this money as politicians or as philanthropists? The establishments we kept up on the Coast were expensive and unprofitable. In 20 years we had spent upwards of £2,000,000, while our trade with that country amounted to only £2,270,000. A Member of the Government had stated that the question was not to be settled by the mere balance of profit and loss. It was also admitted that there was no written obligation binding us to main-

Mr. J. Holms

tain our present position on the Coast. The object of the Government was entirely to benefit the Natives. They must look a little back and a little forward to understand this question. The Coast was a plague-spot and charnel-house. We had been there for generations. Originally, we went there for no other purpose but carrying on the slave trade, and we stayed there now for reasons which no one could precisely explain. Our engagements with the native tribes were vague, uncertain, and indescribable. It should be borne in mind that a Select Committee which sat on this question in 1864, recommended that all further extension of territory, assumption of government, any new Treaty, or offer of protection to the native tribes, would be inexpedient, and that we should encourage the Natives to exercise those qualities which would fit them for self-government, with a view to our ultimate retirement from the Coast. Yet, in spite of that recommendation, we had had a war on that Coast almost every 10 years; we had gone on increasing our Protectorate, and had accepted a large territory from the Dutch without asking the Natives whether they cared for our protection or not. The war lately concluded had brought us nothing but a Treaty, which was said to be scarcely worth the ink it was written with. It seemed to him that it would be an act of moral cowardice to remain on the Coast just because we were there, and had some difficulty in getting out of the way. *The Pall Mall Gazette* said—

"We do not hold the Gold Coast to spread Christianity, or to civilize the natives, or to attempt the suppression of human sacrifice, and it is miserable hypocrisy to pretend that we do. We hold it because we want to trade with the natives of West Africa. It is but too true that in this case Christianity means rum and civilization gunpowder; but the proper inference may be, not that we should give up trading in rum and gunpowder, but that we should give up talking about Christianity and civilization."

But this was clearly a mistake. Lord Carnarvon, the responsible Minister of the Government, said—

"It is simply and solely a sense of obligations to be redeemed and of duties to be performed which bids us remain on the West Coast of Africa."

We had taught these people, by a long system of protection, to depend on us; we had made them worse than before,

and most of them hated us. He had read in *The Times* the other day an amusing description of the sword that was about to be presented to Sir Garnet Wolseley. *The Times* said—

"Messrs. White and Campbell have been entrusted with the execution of the sword to be presented by the Corporation of London to Sir Garnet Wolseley, and have submitted for inspection a drawing of the weapon, with the ornaments to be cut and embossed on it. On the panels of the hilt are represented the figures of Wisdom and Truth. Fame and Victory recline on the guard. The sheath bears on one side the arms of Sir Garnet, and on the reverse those of the City of London. Underneath are figures representing Britannia, accompanied by Peace, receiving a welcome from the Fantees, Victory encouraging the negroes to energy and exertion, and Valour trampling on Tyranny. In the midst of the trophies are the words, 'Cape Coast Castle, Amoaful, Coomassie, and Abrakrampa.'"

In a lecture delivered by Colonel Evelyn Wood, they had a very different description of the Fantees—

"The Fantees, fine tall men, were drawn up in line, after great competition among them as to who should be on the left, as that was farthest from the bush; behind them were their chiefs and kings with whips, and behind them again Kossus with swords. After great efforts, they were induced to march forward, the kings thrashing all within reach, and the Kossus in turn pressing the chiefs on. The officers, who were forbidden themselves to enter the bush, did all in their power to drive the Fantees forward, using, in the words of a despatch, 'more than verbal persuasion.' One officer, in fact, completely ruined his umbrella. But when they reached the bush, into which all but the kings were at last forced to enter, they squatted down, and there they remained for the rest of the day."

When he (Sir Wilfrid Lawson) heard of the grateful reception of the English troops by the Fantees, he felt inclined to exclaim, with Byron—

"O for a forty-parson power
To chant thy praise, hypocrisy?"

Surely this was a good time to get rid of this miserable business altogether. But the responsible Minister now came forward with a new policy. The Government was to be reconstructed. There was to be a consolidated establishment, and of course the first thing was to spend more money. The only omission they had made in the new establishment he hoped would still be supplied—they wanted a Bishop. Those who read the statement in this morning's paper as to the officers who were left on the Coast, must feel pretty sure that we could not do much with the climate. Certainly,

the medical officers would have the most to do there. Then, as to the change of the capital, there was much vagueness in the statement of the Government—three places had been mentioned, but no selection had yet been made. The next question was the appointment of a Governor who, according to a noble Lord in “another place,” must be a man of considerable eminence, ability, determination, and force of character. He presumed he would be a teetotaler; for the noble Lord laid great stress on absence from stimulants. He hoped that the Governor would not be a clever man, because a clever man was dangerous, and could either involve himself in superabundant activity and some fresh combination, or employ his energies in civilizing the people, getting more tribes to join us, and give us fresh trouble in looking after them. He wanted to know what they were going to do about the guns, which he thought was a piece of severe irony. He did not know how that policy was to be carried out, unless the rifles were to be of that wonderful kind which his hon. and gallant Friend (Colonel Barttelet) had made familiar to the House—imperfect in the stock, defective in the lock, and not altogether satisfactory in the barrel. But if the Government decided what sort of weapon was to be supplied, why not also what sort of drink? He would recommend champagne if we wanted to civilize the people, and he would tell the Committee why. When the Japanese Ambassadors were over here, in order to introduce them to European civilization and manners, they were invited to a champagne luncheon, and after every glass, one of them used to heave a sigh and say—“How I do like civilization!” There was a far more important part of the plan, however, which the House of Commons would hardly endorse, and that was the sanctioning and maintaining slavery in that country. It was all very well for the Under Secretary to call it domestic slavery. Did the hon. Gentleman think he could alter the nature of slavery by an adjective? It was all very well for Lord Carnarvon to say that the hardships of the slave had been reduced almost to a minimum. Here was a paragraph from a paper which advocated the policy of our remaining on those Coasts. *The Colonial Intelligencer* said—

Sir Wilfrid Lawson

“The most superficial acquaintance with human nature ought to have satisfied any candid person that slavery necessarily bears the same fruits in Africa as it does in Cuba or Brazil. The special correspondents attached to Sir Garnet Wolseley’s expedition found that negroes were openly bought and sold within the limits of the British Settlements; that the Courts were habitually used to assert the authority of the master over his bondsman; that shrieking women who had endeavoured to fly from captivity were bound hand and foot and dragged back to their owners; and that even the deck of an English vessel in the harbour offered no secure asylum to the fugitive slave. Nay, more, it appeared that the corps of female porters, whose services proved of the greatest value to the Army, consisted to a large extent of slaves who had been supplied by three ladies of Cape Coast Castle.”

A statesman had said that liberty was commensurate with, and inseparable from, English rule; but that state of things did not look like it. A meeting had been held at Stafford House not long since, to put down the East African slave trade. At that meeting were several Members of Parliament, among whom were Mr. Pease, Mr. Shuttleworth, Mr. Jenkins, The O’Donoghue, and Mr. Alderman M’Arthur; and a resolution was passed which declared that the slave trade prevented the introduction of civilization, Christianity, and lawful commerce. And the words of the right hon. Member for Bradford (Mr. W. E. Forster), who had so much of the confidence of that side of the House, and the entire confidence of the other side, were that that meeting represented the wealth, the power, and the intellect of the country; but he did not suppose that the verdict of any other assembly of his countrymen would be different. Well, let the gentlemen who had gone to that meeting show their faith by their works, and vote with him against establishing the slave trade in Africa. It had been said that nothing was so bad as a doubtful policy. But the noble Earl who introduced the policy now recommended to the Committee, had said it would be open to us at any future time to reconsider it. It would be far better, however, to consider it now than to have to reconsider it hereafter. The only argument that had been advanced in defence of it was that it would not do for us, having got the Fantees into a mess, to desert them. Well, the Ashantee power was either destroyed by the late war or it was not. If it was destroyed, in that case we might assuredly leave the

Fantees to themselves. If it was not destroyed, we should certainly have to fight the battle over again in a few years, and we should be fighting with the weakest tribe against those whom nature had pointed out to be the strongest. What had we to do with that country at all? The Church Catechism told us to do our duty in that station of life to which it had pleased God to call us. He did not think we were called to that station on the Gold Coast, and he maintained that the lives and safety of our own countrymen were the first duty which this House had to consider. Many years ago, the late Duke of Wellington warned us against this policy, a Committee of this House had warned us against it; but, deaf to all warnings, were we now about to go on with this mischievous system? Was it possible that there was something behind? The hon. Member for Hackney (Mr. J. Holms) had intimated that the Government, perhaps, intended to establish a great African Empire. If so, let them say so; let it be fairly discussed, and let the public know what we were about. There was no doubt if the Ashantees were not drubbed, they would be down upon us in a few years. That was not his own opinion merely, it was also the opinion of Colonel Evelyn Wood; and when the next war was carried on, it would not be carried on against us with seven-and-sixpenny Birmingham guns, but with something very different. Now was the time to prevent such a state of things, now was the time to consider a policy which our reason told us was senseless, which experience had proved dangerous, and which prudence had warned us would one day be disastrous to the true interests of this country.

MR. KNATCHBULL-HUGESSEN said, that in the early part of the Session it was his duty to speak at length on the policy of the late Government in acquiring the forts on the Gold Coast. He stated at that time the policy of the late Government as clearly as he could, and his hon. Friend the Member for Hackney (Mr. J. Holms) must excuse him if he declined to-night to return to the subject and to follow him into questions he had attempted to re-open. He felt bound to give a general approval to the policy of the Government. Considering the past, it was impossible for the Government to propose that we should

quit the Gold Coast, at all events immediately. In the future we must rely upon the Houssa force established by Captain Glover, the enlargement of which would increase our security. He was glad the Government had endorsed that view which he had expressed in the previous debate, and also that they had determined upon the severance of the Government of Sierra Leone from that of the Gold Coast. Separated as they were by distance, it was almost impossible they could be managed together, and difficulties must arise from the delay involved in communication with the seat of Government. Before acquiring Elmina we did all we could to ascertain the feelings of the Natives, and although some were opposed to the transfer, yet the majority were satisfied with it. The hon. Member for Hackney had spoken of our having bought these forts; that was not an accurate description of the transaction. The cession was made willingly by the Dutch Government; it was made freely, according to a policy agreed upon between the English and the Dutch Governments, and there was no payment, except a trifling one for certain fixtures. He asked those who objected to the Vote what they would have had Government do? No man of common sense and humanity could have justified our retiring from the Gold Coast at the close of the last war. Human sacrifices would not have been put an end to; the condition of no one tribe would have been improved; and any Government, whether Conservative or Liberal, could only consider what it was right, just, and honourable for the country to do. As far as he could understand, the Government did not propose a policy which pointed in any way to the continuance of domestic slavery, the existence of which had been one of the great difficulties in dealing with that Coast. He would warn the Government and the House that this question of slavery was one which must be dealt with. The best thing to be done was for England to make these dependencies Crown colonies, and govern them absolutely; but England could not possess dominions in which slavery existed in any form. We had found it was an institution we could not put an end to on this Coast; but if we were to maintain our position we must pay close attention to it; and probably our best

course would be to make the Natives understand the great advantages they would gain by coming more immediately under our rule, but at the same time to impress upon them that this could never be the case whilst they maintained the system of domestic slavery. We could not now abandon the Coast; we had got into a difficulty there and we must get out of it as best we could. The Government was placed in a difficult position, and the House must repose confidence in it, without criticizing details too minutely. At this time it would be unwise to reject the proposal of the Government, although he reserved to himself full right to object to particular points hereafter. He was inclined to think Elmina would be the best place for the seat of Government; but that must be a matter which must be left to the Ministry. We had not now to consider what we had to do in that country at all, but being there, and being unable to get away, what was the best way of remaining there in a manner honourable to ourselves? The Government had exercised a wise discretion; and he thanked them for the boldness with which they had submitted their policy. He had full confidence that the noble Lord at the head of the Colonial Office would be actuated in dealing with that matter by a sincere desire to do that which was best for the Gold Coast, and also that which was most consistent with the honour and dignity of this country.

Mr. HORSMAN wished to address himself to the general policy of the Government rather than to points of detail. He had listened with great interest to the very able and clear speech of his hon. Friend the Under Secretary for the Colonies, whose frankness he thought had left nothing to be misunderstood as to the future policy of the Government. In that policy, as explained by his hon. Friend, he saw nothing which he could not cordially support. They were there, and they should remain and do the best they could there. They had drifted into a war—a miserable war with a miserable enemy. They had succeeded in the war, and they had deservedly heaped honours and rewards upon Sir Garnet Wolseley for what he had done. The question was, were they to remain there, or were they to withdraw? And if they remained, were they to keep a

temporary or a permanent hold of that territory? Now, no one believed they ought to retire immediately from that country—a course which would hand over those unfortunate tribes to the vengeance of the race we had defeated, accompanied by scenes of massacre and cruelty for which all the obligations of honour and humanity called upon us not to make ourselves responsible. The English people would not have tolerated any Government for a month which allowed it to be associated with a policy so degraded as that would have been. Well, the question practically was, whether our occupation of that territory was to be temporary or permanent. On full consideration, the Government had decided that it should be permanent. His hon. Friend the Under Secretary spoke, indeed—with a command of countenance which for one so young in office was highly creditable—of re-considering that policy; but the fact was, the Government had determined that there should be a permanent Protectorate. It was admitted that we had no great advantages of trade to expect there, no great hope of spreading civilization, no desire for an extension of territory. For what, then, did we maintain ourselves upon that Coast? He answered that we remained there because England held a position which imposed on her duties and obligations not to be measured by mere considerations of trade returns or the balance of profit and loss in the ledger. That might seem a truism with every British statesman; but of late years men's minds seemed to be unsettled as to the principles of our Colonial policy. There had been a tendency in influential quarters rather to hold our Colonial policy cheap, and to imply that it was to us a burden and an expense, and if the Colonies had not been more loyal and true to England than some of our countrymen at home, they would have been alienated by the manner in which the doctrine had been propounded that we were only nursing and educating our Colonies till they were fit to be independent, with the hope that as soon as they were fit for that independence they would assert it, and relieve us from the cost and the risk of defending them in case of attack. It was refreshing, therefore, to hear the speech of a Colonial Minister who on that point gave forth no ambiguous ut-

Mr. Knatchbull-Hugessen

terance; it was satisfactory to the House and the country to know that at the head of the Colonial Office there was now a nobleman who appreciated the character and value of our Colonial Empire, who realized the position of England and accepted all its responsibilities with the spirit, the pride, and the true wisdom of an English statesman. In every plan there must be difficulties, and in this case the first of these was the pestilential climate. But it might be diminished by the application of science. The engineer and the physician should act as the pioneers of the army, and native troops with English officers should be substituted for English regiments. Then, as Governor on such a Coast, they must have a man of strong intellect, high capacity, able to bear heavy responsibility, fit to wield great power, and at the same time remunerated by a salary proportioned not only to the service to be performed, but also to the risk to be run. That part of the plan of the Government appeared to him the one most unsatisfactory. They had heard of the fearful consequences of starving their establishments on the Gold Coast. Well, they had now got the best man they could lay their hand on for that post of labour and risk, and they proposed to give him the miserable salary of £3,000 a-year—an amount which he wished to see doubled. A man of great capacity with a miserable salary like that would naturally look for preferment, and not care to remain in so unhealthy a place. As regarded the question of slavery, he thought the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) used language stronger than the occasion deserved. It was unjust to the Government to say that they were not only sanctioning, but establishing slavery. Their plan was not a final one, but only a basis for the development of a larger policy; and it was open to any hon. Member to make a proposal by which the slave should be emancipated. The Government had left the subject of slavery perfectly open, and the question was, who would give the House a practicable plan? Whenever a practicable plan on that subject was laid before the House, he believed all sides would support the Government in putting an end to slavery on the Gold Coast. As far as the general scheme of the Government was concerned, he did

not believe many objections would be made to it. He verily believed the Government had adopted a plan which was satisfactory to the House and the country. Of course, on such a matter there must be differences of opinion—serious differences of opinion, which deserved great respect; but, on the whole, he believed the Government had adopted a plan which would receive the greatest amount of approval and general support. He could only express his wish that they might have equally sound and national administration in other Departments of the Government. He read, with some regret, a speech delivered at a banquet last night, in which the head of the Foreign Department stated that the first object of the Government was to preserve peace. He demurred to that. He contended that that was an unsound, a novel, and an un-English doctrine, and that the first duty of the Government was to uphold the interests and the honour of the country. When they were incompatible with the preservation of peace, the Government, however reluctantly, ought to accept the dire necessity of war instead of sacrificing the honour and the interests of the country. He felt it the more necessary to say this because he could not forget that between the noble Earl who was at the head of the Foreign Office and those who were of the Manchester School there was known to be a distinct line of demarcation, and that under his administration—["Order."]

THE CHAIRMAN reminded the right hon. Gentleman that the Question before the Committee was the Supplementary Vote with reference to the Gold Coast.

MR. HORSMAN insisted that the question before the Committee was Colonial and Foreign matters. ["No."] Then he could only say that the head of the Colonial Department had uttered sound opinions with regard to our Colonial policy, and he regretted that equally sound and satisfactory opinions had not been uttered by the head of the Foreign Department.

MR. W. M'ARTHUR congratulated Her Majesty's Government on the course they had pursued in relation to this question, and was certain that it would be approved by the country generally. If they had taken active steps to put down slavery on the Gold Coast, the state of things there would now be very

different from what it was. In order to show the capacity of the Natives for administration, he would refer to the part they took in the government of Trinidad and of Jamaica; and he might also refer to the case of Bishop Crowder to show how feasible it was to establish Christianity amongst the Natives. He was much gratified to hear the statement of the Under Secretary for the Colonies that the policy of the Government, with reference to the Gold Coast, would not be a starving policy. Although the sum of £20,000 was in the Treasury chest, no step had been taken to improve the sanitary condition of the Gold Coast, which condition might be compared to that of a dunghill. As *The Times* correspondent had suggested, if the Government would take possession of the Gold Coast, slavery would be abolished there as it had been abolished in Gambia and in Sierra Leone. He hoped the Government would put down domestic slavery on the Gold Coast. They could deal with that matter successfully if they wished. He cordially approved of the policy of Her Majesty's Government, and believed that if proper men were selected for its government, the Settlement would prove a prosperous, thriving, and vigorous Colony.

Mr. T. E. SMITH was sure that the general feeling of the House and the country was that, as regarded the Gold Coast, we had been the victim of circumstances, and thought it would be injurious to the character of the nation and unfair to the merchants who had invested their capital in the trade of the Coast to give up the system of protection under which they had acted, and which had so long been persevered in by England. At the same time, he considered we were laying up a stock of trouble for ourselves unless we from the very first determined to put down domestic slavery.

Mr. GOSCHEN said, there was no wish on the part of the Opposition to protract the debate, but he thought that the question of domestic slavery on the Gold Coast was one which could not be hurried over. No doubt the policy of the Government on that Coast generally commended itself to the country; but they would get into great embarrassments if they did not at once face the question of domestic slavery in the spirit of the great precedents which had been established in this country. They should

take care that such slavery was not allowed to exist on any territory under British rule.

MR. HANBURY said, he wished to support the policy of the Government as a whole in maintaining our position on the Gold Coast, and could not support the proposal that we should abandon that position. He would, therefore, withdraw his Motion, and let the sense of the House be taken on the other proposal.

Motion, by leave, *withdrawn*.

Original Question put.

The Committee *divided*:—Ayes 267; Noes 47: Majority 220.

Motion made, and Question proposed,

"That a supplementary sum, not exceeding £170,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for Contributions in aid of Local Assessments for the Relief of the Poor, and for other purposes, in respect of certain descriptions of Government Property, and for Salaries and Expenses connected with the Investigation of Claims for Rates on Government Property, or for Contributions in lieu of Rates."

THE CHANCELLOR OF THE EXCHEQUER reminded the Committee that in bringing forward his Financial Statement he mentioned that it was intended to propose a Vote for the purpose of meeting increased contributions on behalf of Government and in respect of Government property towards local rates. He had thought it convenient to bring this Vote before the Committee at a time when they had before them a Valuation Bill, which took away exemptions hitherto enjoyed, and in that respect resembled the Bill of the late Government, but which differed in one or two particulars from the latter measure, and more especially in not making any provision for rendering Government property liable to rates. When the Bill of last year was discussed some difficulty was found in arriving at a decision as to the mode in which Government property should be rated, and he believed the difficulty was one which it would not be easy to overcome. At all events, it had appeared to the present Government that they should endeavour to meet the case rather by a vote in aid of the rates, than by an Act of Parliament. With this view he now proposed that the Committee should vote a sum of £170,000, in addition to the amount — about

Mr. W. M. Arthur

£63,000, he thought—which had already, as in former years, been voted. In order to enable the Committee to understand the principles on which it was proposed to dispose of this money he would read a Memorandum drawn up at the Treasury, and which, though not a formal document, stated substantially the plan on which it was intended to proceed. It was as follows:—

“We have had under our consideration the subject of the rules which ought to govern the distribution of the proposed increased grant of Parliament for contributions in lieu of rates in respect of property occupied for the public service. We adopt the principle that property occupied for the public service should contribute to the local rates equally with the other property in the parishes in which it is situated, having due regard to its character in each case. The contribution will be made to the poor and all other local rates levied in the parish in which the property is situate, and no parish will be excluded from such contributions on the ground that the Government property is less than a certain *minimum*. We feel it necessary, considering how widely different are the various kinds of Government property, and how impossible it is to apply to all of those the rules of assessment applicable to private property, to retain in our own hands the valuation of all Government property with the intention of adopting in each case as far as possible the same principles as are applicable to the valuation of private property. Thus, property occupied as *ex officio* residences or quarters for officers of the Government will be assessed on the estimated rateable value which would attach to such premises if they were in private occupation and liable to assessment to the local rates. The same rule will, as far as practicable, be applied in determining the rateable value of all Government hereditaments occupied as Post Offices, Coastguard Stations, County Courts, Police Courts, Probate Registries, Inland Revenue buildings, Custom House, &c. The rateable value of the whole of the naval establishments and of the principal military establishments was agreed upon between the Government and the parishes in which they are situated in the year 1860. The valuations then agreed upon will be revised with reference to the improvements and additions which have taken place at such establishments since that date. The valuations in these cases will be taken as a guide in fixing the rateable value of the barracks and other buildings at such of the military stations as were not brought within the arrangement of 1860, and also in fixing the rateable value of the military, naval, and convict prisons. If in any particular case the principles of valuation applicable to private property cannot reasonably be adopted, we shall inquire into and decide upon each such case upon its merits; but in no case will we contribute less than was payable on the assessment of the property at the time the Government acquired it. Hereditaments under the control of the Commissioners of Woods, &c., not being in the occupation of any other occupier will be the subject of contributions determined on principles similar to

those hereinbefore made applicable to Government property. These regulations will apply to Government property in Scotland and Ireland as well as to that in England.”

MR. HANKEY said, he had applied at the Vote Office for a copy of the Minute of the Treasury on this subject, and was informed that it could not be delivered till to-morrow morning. Under these circumstances, he put it to the Government whether they would press the Vote that evening.

SIR GEORGE JENKINSON remarked that in objecting to the Vote he thought they were quarrelling with their bread and butter.

MR. MUNDELLA complained that the business in question was not upon the Paper of the House.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member was under a mistake, as the matter did appear on the Vote.

MR. STANSFELD considered that the Government would do well, under the circumstances, to postpone the Vote.

THE CHANCELLOR OF THE EXCHEQUER said, he had no wish whatever to press it unduly. He was under the impression that the Notice Paper had been circulated; but as it appeared not to have been sent out till that day, he would agree to the Vote being postponed.

MR. FAWCETT said, the House ought not to give the Government power to allocate this large sum in any manner they liked, perhaps in favour of particular localities. He thought they ought to have details as to its proposed method of distribution.

Resolutions to be reported *To-morrow*.

Committee also report Progress; to sit again *To-morrow*.

FACTORIES (HEALTH OF WOMEN, &c.)

BILL.—[BILL 115.]

(*Mr. Assheton Cross, Sir Henry Selwin-Ibbetson, Viscount Sandon.*)

CONSIDERATION.

Bill, as amended, *considered*.

Clause 9 (Notices of hours of employment and mode of employment of children.)

MR. ASSHETON CROSS moved to insert the following clause:—

(Abolition of recovery of lost time under 7 and 8 Vic. c. 15, ss. 33 and 34.)

"In a factory to which this Act applies, a child, young person, or woman shall not be employed in the recovery of lost time in pursuance of the Factory Acts, 1833 to 1856, or any of them, during any hours during which they cannot be employed in pursuance of the other provisions of this Act."

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

Mr. W. SHAW complained that Clause 10 had been struck out of the Bill without Notice, and contended that that would inflict serious injury upon the silk trade in Ireland.

Mr. ANDERSON said, the original clause could not have been rejected without Notice, as his Amendment to omit it was on the Paper nearly a fortnight before he moved it. One of the hon. Members who advocated the omission of the clause represented Dungannon (Mr. T. A. Dickson), and spoke from his own experience of the abuses perpetrated in the North of Ireland under this clause. If they gave permission to make up for lost time for six months, it was possible to keep up one hour per day in perpetuity; so that a great deal of time could be recovered that was never lost.

Mr. ASSHETON CROSS said, they were practically endeavouring to prevent women and children from working overtime, and he could not consent to omit the clause.

Question put, and *agreed to*.

Clause *added*.

Clause 4 (Hours of employment of children, young persons, and women in factory, where period from 7 a.m. to 7 p.m.)

Mr. ASSHETON CROSS moved, in page 2, lines 14 to 17, to leave out subsection (4), and insert the following subsection:—

"(4.) A child, young person, or woman shall not on Saturday (a) If not less than one hour is allowed for meals on that day, be employed in any manufacturing process after one o'clock in the afternoon, or for any purpose whatever after half-past one o'clock in the afternoon; and (b) If less than one hour is allowed for meals on that day, be employed in any manufacturing process after half an hour after noon, or for any purpose whatever after one o'clock in the afternoon."

Amendment *agreed to*.

Bill to be read the third time upon *Monday* next.

COURTS (STRAITS SETTLEMENTS)

BILL.—[*Lords*.] [BILL 126.]

(*Mr. James Lowther*.)

CONSIDERATION.

Bill, as amended, *considered*.

SIR WILLIAM HARCOURT took objection to the Bill as imperfect, and as of a nature calculated to involve this country in wars with uncivilized Powers. The object of the Bill, as he understood it, was to exercise jurisdiction over persons who were not subjects of Her Majesty, and who were not subjects of any civilized Power.

Mr. J. LOWTHER said, he was willing to leave out the words referred to.

Bill to be read the third time *To-morrow*.

VOTES AT PARLIAMENTARY ELECTIONS

BILL.

On Motion of Sir COLMAN O'LOGHLEN, Bill to remove doubts as to the validity of Votes given at a Parliamentary Election to a candidate alleged to have been guilty of corrupt practices, and thereby disqualified from sitting in Parliament, *ordered* to be brought in by Sir COLMAN O'LOGHLEN, Lord FRANCIS CONYNGHAM, and Captain NOLAN.

Bill *presented*, and read the first time. [Bill 171.]

LAND DRAINAGE PROVISIONAL ORDER BILL.

On Motion of Sir HENRY SELWIN-IBBETSON, Bill to confirm a Provisional Order under "The Land Drainage Act, 1861," relating to Lay, *ordered* to be brought in by Sir HENRY SELWIN-IBBETSON and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 170.]

MERCHANT SHIPS (MEASUREMENT OF TONNAGE) BILL.

Select Committee *nominated*:—Sir CHARLES ADDERLEY, Mr. ARTHUR PEEL, Sir JOHN HALL, Admiral ELLIOT, Mr. SAMUDA, Mr. LAIRD, Mr. BATES, Mr. NORWOOD, Mr. EUSTACE SMITH, Mr. GRIEVE, Mr. DAVID JENKINS, Mr. HAMOND, Mr. CLIFTON, Mr. CORRY, and Mr. RATHBONE:—Power to send for persons, papers, and records: Three to be the quorum.

And, on June 26, Mr. PULESTON, Mr. MACGREGOR *added*.

And, on June 30, Lord ESINGTON, Mr. GOURLEY *added*.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, 26th June, 1874.

MINUTES.]—SELECT COMMITTEE—Representative Peerage of Scotland and Ireland, The Marquess of Bath added.

PUBLIC BILLS—First Reading—Personation* (138); Bills of Sale Amendment* (139).

Second Reading—Committee negatived—Juries (Ireland)* (131).

Committee—Report—Local Government Board's Provisional Orders Confirmation (No. 4)* (97); Militia Law Amendment* (110).

Third Reading—Married Women's Property Act (1870) Amendment* (85); Herring Fishery Barrels* (104); Canadian Stock (Stamp Duty on Transfers)* (124), and passed.

Withdrawn—Wild Birds Law Amendment (100).

ARMY (RECRUITING).

ADDRESS FOR CORRESPONDENCE.

LORD STRATHNAIRN, in rising to move an Address to Her Majesty for Correspondence relating to General Order 39 and General Order 62, and for the production of the latter General Order, said, his reason for submitting the Motion to the House was this—Their Lordships would, no doubt, recollect that in the debate which ensued on Lord Sandhurst's Motion on the 1st of June, Lord Hardinge, in expressing his regret that the first act of the new Secretary of State for War should have been to extend to the Cavalry and Artillery the short service system without pension, alluded to the fact that the soldier could no longer look with certainty to the pension—that it was a favour and a privilege in spite of the communications that took place between Lord Northbrook and himself (Lord Strathnairn). As he said at the time, he had not intended taking part in the discussion, because he proposed submitting to their Lordships in the course of the Session the unfavourable results of the theoretical or experimental system which the late War Department had introduced into the Army. Having, however, been thus personally referred to by his noble Friend, he thought it due to him and to the all-important cause of the soldiers' pensions, the best guarantee of their discipline, their *esprit de corps*, and moral welfare, and also the only safe and practicable substitute for conscription, to confirm Lord Hardinge's statements by his (Lord Strathnairn's) confirmation, rather than weaken them

by his silence. He would, therefore, adduce as an unmistakable cause of the soldier's mistrust in pensions the General Order of the 5th of May, 1871, which discontinued the Long Service Act with pension, which was a breach of official good faith. The representative of the War Office (Lord Northbrook) gave on the 26th of July, 1870, in their Lordships' House, and afterwards in Committee, official and positive assurances that that Act should continue in its entirety—that was, its integrity—and not be interfered with by the Short Service Act without pension, of which the noble Lord moved the second reading that day. In that sense, the Commander-in-Chief, who spoke next to Lord Northbrook, stated that, on that account, that was the joint action of the two Bills—which His Royal Highness appropriately designated as proceeding *pari passu*—he would vote for the second reading. The words "*pari passu*" were not reported, but noble Lords, as well as himself, heard them, and the illustrious Duke had kindly and graciously informed him that he did use them. The name of Lord Northbrook was prominently mentioned in this question; and in fairness he ought to state that, in his humble opinion, any responsibility attaching to the subject should belong exclusively to his official superior—the more so, because Lord Northbrook was absent and could not defend himself, whilst the noble Viscount (Viscount Cardwell) was present and could defend himself. It was due to himself (Lord Strathnairn), and the cause which he advocated, to say that whilst he thanked two noble Lords for the courtesy with which they conveyed their impressions that in making his statements, he laboured under misapprehension, he was unable, in deference to fact, to accept their interpretation of his words. Still less could he accept the tone of reproof, the expression of astonishment, and, particularly, the epithet "exaggerated," with which the noble Duke (the Duke of Richmond) thought proper to characterize those statements. A reference to the debates would show that he rather understated than overstated the case of "disregarded engagements," and that it was neither just nor consistent in the noble Duke to blame him for language and opinions with regard to them, when he himself pronounced, on the 8th of June, 1871,

serious censure of the disregard by the War Office of their assurances in favour of the Long Service Act with pension. He ventured to think that oblivion of that censure must have stolen over the noble Duke's memory, when the other day, on the 1st of June, he said—

"Some persons seem to imagine that the first thing the new Secretary of State for War ought to do is to upset everything which he finds his predecessor has established, and to inaugurate a new system."—[3 *Hansard*, ccxix. 748.]

He begged to add that the noble Duke was under misapprehension in blaming his noble Friend and himself for having found fault with the new Secretary of State for War for not having at once completely changed and upset the policy of his Predecessor. So irrational and unfair a thought never crossed their minds. The circumstance which did elicit their regrets was not that he had held the wise position of the "*statu quo*," till he had had time to inquire, reflect, and make up his mind as to future measures or changes, but that he had left that position, advanced and broken fresh and dangerous ground, hitherto untried, by extending the short service to the Cavalry and Artillery. On referring to *Hansard* he found that Lord Northbrook, besides the formal assurances he gave in favour of the integrity of long service with pension, added that it was to be supplemented by the short service without pension—that was, that the two were to co-operate—and, further, that he had sought the advice of His Royal Highness the Commander-in-Chief. Then followed the illustrious Duke, abounding in the same sense. His whole speech forcibly demonstrated the necessity, in the interests of recruiting, of the *pari passu* principle, and that the short service should not be left without the assistance of the long service. It was, therefore, incontrovertible that the General Order of the 5th of May contradicted and nullified the assurances given to Parliament by His Royal Highness the Commander-in-Chief and the War Office; that the operation of the two enactments was to be a *pari passu* one; and that such official contradictions relating to matters of the deepest interest to soldiers, combined with speeches and pamphlet schemes which had found too much favour at the War Office, had infused into the minds of the classes

Lord Strathnairn

from whence they came, and the old soldiers who caused them, a fatal mistrust in War Office measures. But there was another result of these official contradictions which he ventured to think nearly concerned their Lordships, and which transpired in the debate on the Earl of Longford's Motion of the 8th of June, 1871—namely, that these contradictions caused noble Lords to vote against their intentions—yes, their convictions. He begged to quote Lord Northbrook's reply to the Duke of Richmond's, and Lord Hardinge's charge. It did not, in any way, disprove it. The powers given to the War Office did not enable them to break or disregard the *pari passu* engagement. He now came to the conversation with Lord Northbrook, mentioned by Lord Hardinge. After he had become aware of the General Order of the 5th of May, he (Lord Strathnairn) appealed to Lord Northbrook for the restoration of the pension to the Army in urgent language, but which was justified by its truth and its necessity—the necessity being the safety of two State interests—Pension the best guarantee of the Army discipline. The copy of a letter to the noble Marquess opposite (the Marquess of Lansdowne) would afford their Lordships the best information on this phase of the question. But the General Order of the 7th of August, 1871, which his noble Friend was so good as to send him was a great disappointment to his expectation, that the long-service enactment with pension was to be restored. The General Order merely reiterated the General Order of the 5th of May, with the exception that the words "without pension" were omitted. But the pension was so limited and restricted, by conditions and reserves, that it represented exactly the pension described in Parliament as required by the interests of finance, and only intended for non-commissioned officers and specially selected men, and not for the soldiers generally, who, free from acts of turpitude, and subject only to human feelings, had done very good service to their Queen and country; in short, the soldiers who had gained pensions under that immortal leader, the Duke of Wellington. The unfavourable results of this policy, since its introduction, were an alarming, an annually increasing amount of desertions from the first-class Army Reserves. An or-

ganization which could never succeed, because it was based on great anomalies and on an unwise and expensive economy which caused a perpetual conflict between different and urgent interests. The results of those connections and of the Reserve soldiers serving without any incentive to good were an alarming amount of annually increasing desertion, once held in a British Army to be one of the most serious crimes a man could commit. And that the first-class Army Reserve, to which the country had to look for defence in case of invasion, or whose duty it would be, in times of great emergency, to reinforce our Army abroad, had little or no drill and instruction, was shown by an official War Office Return, which stated that from 1871 to 31st March 1872, this Reserve had had no instruction. Other circumstances damaging still more the Reserves were—1st. The conflict of interests he had mentioned. There was the State interest, the efficiency of the Reserve; then there was the interest of the Civil employers, who were averse to employing a man whose services with them would suffer from military duties which might call him away from them. It was not surprising that the Reserve should be almost useless in England, and dangerous in Ireland. Then, there was the interest of the soldier who had to make up his livelihood from 4*d.* to 2*s.* 6*d.* per day. The Reserve soldier would have no *esprit de corps*, and his discipline, which was under no control, must, he thought, suffer. Add to this that the quarterly pay given him, in anticipation, on the first day of each quarter, had all the bad effects of bounty on his habits; although the noble Viscount abolished bounty, on account of all the bad effects, which, he said, it caused in the Army. Still, as an attraction to soldiers of regiments to enter the Reserves, a lump sum of money—three months' pay—was given them in anticipation. Excesses, money lost or mis-spent, and bad habits were the consequence. The best evidence on this head said that recruiting had no worse enemy than these Reserve men. With all the signs of destitution about them, they frequented the beer-houses or places of resort of their class, and used disparaging language with regard to the Government, which they declared had brought them to this sad state. What a

contrast with the pensioners of former days—the men who not having committed an act of turpitude, and with no other feelings than those common to all, but who had served long and faithfully, and fought with such success under the Duke of Wellington, were considered deserving of pensions. The English, although as adverse as any people to a Pension List, had always cheerfully paid the soldiers their pension. And there was, perhaps, no more popular sight in England, or one more favourable to recruiting, than the pensioner in his parish church, with his medals, and their recollections, surrounded by kith and kin, thanking Heaven for having brought him safe to a humble although happy home and independence, through all the dangers of war and sickness in the various parts of the globe where the service of the British soldier led him, and for having blessed him with a grateful Sovereign and a generous country.

Moved that an humble Address be presented to Her Majesty for, Any correspondence relating to

"General Orders by His Royal Highness the Field Marshal Commanding-in-Chief.

G.O. 39. Recruiting.

(Specially issued 5th May 1871.)

"Until further orders enlistments for the Foot Guards and Infantry of the Line are to be short service enlistments, i.e., for six years army service and six years reserve service without pension."

And also any correspondence relating to

"General Order by His Royal Highness the Field Marshal Commanding in Chief,

1st of August 1871.

G.O. 62. Recruiting."

And that General Order itself.—(The Lord Strathnairn.)

VISCOUNT CARDWELL said, that, as far as he had been able to follow the noble and gallant Lord, his speech might be divided into two parts. The first part seemed to be a personal attack directed against himself on account of a speech made by Lord Northbrook four years ago, the accuracy of which had never been questioned by the noble and gallant Lord during the interval. He understood the noble and gallant Lord to admit that the governing words—the words on which the charge was founded—did not appear in the reports of Lord Northbrook's speech; he had also referred to a conversation which he supposed to have passed between Lord Northbrook and himself, of which he

(Lord Cardwell) had never heard, and which, with great deference to the noble Lord, he ventured to say had never occurred at all in the manner in which he had understood it. He could not understand why, during those years, the noble Lord had maintained an unbroken silence, and why he had never asked a question on the subject until Lord Northbrook had gone to a distant part of the Empire, where he could be asked no questions and give no explanations. Lord Northbrook appeared to have told the noble Lord, both publicly and privately, that it was intended to maintain the system both of long and short service, and that the short service was intended to be maintained as supplementary and complementary to the system of long service. Well, that was exactly what had been done. The noble Lord had, however, formed the erroneous impression that it was imperative upon the Secretary of State for War, under the Act of Parliament when determining the particular period of enlistment for any branch of the Service, to maintain simultaneously, at all times, both the long and the short service system, whether desirable, at the particular time, for that branch of the Service or not. No such idea could possibly have been conveyed or intended to be conveyed by Lord Northbrook either to the noble Lord or to anyone else. What he did say no doubt, and with perfect accuracy was, that the two systems of long and short service would always be maintained; that there never would be a time when they would not be maintained concurrently; and to this hour they had been and were maintained concurrently. It was true that, with regard to the Foot Guards and Infantry of the Line it was found that from the date of the passing of the Act of Parliament up to the date of issuing the General Order of May 5, 1871, that a large number of men had been taken for long service and only a small number for short service; and consequently the prospects of the Reserve were not so good as could be desired. It was therefore considered necessary that the recruiting for long service for the Infantry and Foot Guards should be suspended for a time; but recruiting, for long service only, was going on as usual for the other branches of the Service, and it was not till April in the present year that

short service was introduced at all for the other branches of the Army. It was true, therefore, that in May, 1871, a General Order was issued putting an end to all enlistments for long service for the Foot Guards and Infantry of the Line for a limited time, but that Order, in the form it was first issued, was not approved, and was consequently cancelled; and in the form in which it was subsequently issued, it went on to say—

“Men enlisted for short service will have no right to remain in army service for more than six years, but the privilege of remaining in army service for the whole term of 12 years will be allowed to such men as may be specially recommended. Men allowed to remain in army service for the whole term of 12 years will, subject to the provisions of the 8th section of the Army Enlistment Act, 1870, be allowed to re-engage to make up a total continuous period of 21 years in Her Majesty's service, at the conclusion of which they will become entitled to pension.”

That formed the subject of a revised General Order; and he ventured to say that Lord Northbrook, who was a party to that General Order, never, from the date of its issue to the period of his departure to India, intended to convey, and never did convey, any impression in the slightest degree at variance with that General Order. He did not intend, on that occasion, to go at any further length into the subject than was necessary to answer certain observations of the noble Lord. He understood the latter part of the noble Lord's speech to be a complaint of the policy which Parliament had adopted when they passed the Act introducing the system of short service. He believed, and he thought it was their Lordships' opinion also, that if we were to have a Continental war, and had only such an Army as the country was willing to pay for during the time of peace—if we had an Army without trained Reserves to supply vacancies—we should have a repetition of those disasters—or perhaps worse—with which we had been made too familiar during the Crimean campaign; that an Army without a Reserve was comparatively of very little value, and that if we were to avoid a repetition of these disasters, we must always carefully prepare our Reserves in time of peace. Well, there was no known way of having a Reserve that could be brought forward in time of war except by inducing men to enlist for a short service in time of peace. It was

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necessary for that purpose to adopt short service for a portion of the British Army, and he had no apprehension that their Lordships would be induced to depart from it. The noble Lord further alleged that notwithstanding the condemnation of bounties, they were continued to the Reserve. There could scarcely be, however, two things more distinct than the pay of the men of the Reserve and the bounty given to recruits, which the noble Lord had appeared to confound. The latter was an inducement to the recruit to enter the service of his country for a long time. It was usually spent in dissipation and drink, and was productive of the greatest mischief. It was a fruitful source of desertion, for the recruit frequently only enlisted for the purpose of obtaining the bounty, and he deserted as soon as the money had been spent, and so *toties quoties*. But what was the bounty of the Reserve, as it had been called by the noble Lord? It was a payment of 4*d.* a-day, in consideration of which the man offered his services to his country whenever an emergency should arise. Was it possible to conceive two payments more distinct in character or more opposed to each other? One gave every motive to profligacy and desertion; while the other supplied a man with a motive to prudence and patriotic devotion to the service of his country. The noble Lord said that there had been no training of the Reserve men during the last three years. It was true that the War Office had not called them into training. The Reserve proper could scarcely be said, as yet, to have come into existence. Parliament only passed the Act creating that Force in 1870, and as the period of service was for six years it was not until the year 1876 and following years that the real effect of the Act would be visible. It was true, nevertheless, that there had been some partial result from the Act. When he last looked at the Returns the Reserve consisted of about 7,000 men. It had not been necessary to call them out, for who were these men? Many of them had seen considerable service in the Army. It would have been a great hardship to call them out for training at a period when labour was unusually remunerative; and while it would be a loss to them to withdraw them from civil employment, their knowledge of warfare was quite suffi-

cient to justify the War Office in relying upon their services in case of emergency. Another reason was that the brigade depôts were not yet generally formed, and these were intended to be the places of training for the Reserve. When it was necessary to call them out they could be trained at the brigade depôts with the least expense to the country and the least inconvenience to themselves. The noble Lord said that these men of the Reserve were traversing the country and complaining of their evil fortune. He had never heard this before; and it was new to him to be told that a *bonâ fide* Reserve man was likely to complain that his country paid him 4*d.* a day, and required no duty from him which would interfere with any employment in civil life. The noble Lord also complained that no pensions were given, and that therefore no old pensioners were to be found testifying to the bounty of a grateful country. If, however, he would consider the subject for a moment, he would see that you could not give a pension for short service. It was necessary, in order to entitle to a pension, the man must have enlisted for long service; and such a pensioner was no longer competent to the service which the Reserve man was intended to fulfil. There was no analogy between the two cases — there was nothing but contrast. A pension was given for services already performed; and if the War Office gave money to men of the Reserve, it was because it looked forward to days yet to be spent in the service of the country. The truth was that the country wanted both descriptions of soldiers — the pensioners for long service, and the short service men for the Reserve, and under the system to which the noble Lord was now objecting, the country, for the first time, would have both. Their Lordships and the country had adopted this policy, and all that remained was that the Executive should apportion the number discreetly, according to the varying wants of the Service. He had no doubt that this was what Lord Northbrook told the noble Lord it was the intention of the Government to do, and he would put it to their Lordships whether, when only long service men were wanted in any particular arm, the Government ought to go on taking short service men; or whether, when only short service men

(Lord Cardwell) had never heard, and which, with great deference to the noble Lord, he ventured to say had never occurred at all in the manner in which he had understood it. He could not understand why, during these years, the noble Lord had maintained an unbroken silence, and why he had never asked a question on the subject until Lord Northbrook had gone to a distant part of the Empire, where he could be asked no questions and give no explanations. Lord Northbrook appeared to have told the noble Lord, both publicly and privately, that it was intended to maintain the system both of long and short service, and that the short service was intended to be maintained as supplementary and complementary to the system of long service. Well, that was exactly what had been done. The noble Lord had, however, formed the erroneous impression that it was imperative upon the Secretary of State for War, under the Act of Parliament when determining the particular period of enlistment for any branch of the Service, to maintain simultaneously, at all times, both the long and the short service system, whether desirable, at the particular time, for that branch of the Service or not. No such idea could possibly have been conveyed or intended to be conveyed by Lord Northbrook either to the noble Lord or to anyone else. What he did say no doubt, and with perfect accuracy was, that the two systems of long and short service would always be maintained; that there never would be a time when they would not be maintained concurrently; and to this hour they had been and were maintained concurrently. It was true that, with regard to the Foot Guards and Infantry of the Line it was found that from the date of the passing of the Act of Parliament up to the date of issuing the General Order of May 5, 1871, that a large number of men had been taken for long service and only a small number for short service; and consequently the prospects of the Reserve were not so good as could be desired. It was therefore considered necessary that the recruiting for long service for the Infantry and Foot Guards should be suspended for a time; but recruiting, for long service only, was going on as usual for the other branches of the Service, and it was not till April in the present year that

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"Men enlisted for short service will have no right to remain in army service for more than six years, but the privilege of remaining in army service for the whole term of 12 years will be allowed to such men as may be specially recommended. Men allowed to remain in army service for the whole term of 12 years will, subject to the provisions of the 8th section of the Army Enlistment Act, 1870, be allowed to re-engage to make up a total continuous period of 21 years in Her Majesty's service, at the conclusion of which they will become entitled to pension."

That formed the subject of a revised General Order; and he ventured to say that Lord Northbrook, who was a party to that General Order, never, from the date of its issue to the period of his departure to India, intended to convey, and never did convey, any impression in the slightest degree at variance with that General Order. He did not intend, on that occasion, to go at any further length into the subject than was necessary to answer certain observations of the noble Lord. He understood the latter part of the noble Lord's speech to be a complaint of the policy which Parliament had adopted when they passed the Act introducing the system of short service. He believed, and he thought it was their Lordships' opinion also, that if we were to have a Continental war, and had only such an Army as the country was willing to pay for during the time of peace—if we had an Army without trained Reserves to supply vacancies—we should have a repetition of those disasters—or perhaps worse—with which we had been made too familiar during the Crimean campaign; that an Army without a Reserve was comparatively of very little value, and that if we were to avoid a repetition of these disasters, we must always carefully prepare our Reserves in time of peace. Well, there was no known way of having a Reserve that could be brought forward in time of war except by inducing men to enlist for a short service in time of peace. It was

necessary for that purpose to adopt short service for a portion of the British Army, and he had no apprehension that their Lordships would be induced to depart from it. The noble Lord further alleged that notwithstanding the condemnation of bounties, they were continued to the Reserve. There could scarcely be, however, two things more distinct than the pay of the men of the Reserve and the bounty given to recruits, which the noble Lord had appeared to confound. The latter was an inducement to the recruit to enter the service of his country for a long time. It was usually spent in dissipation and drink, and was productive of the greatest mischief. It was a fruitful source of desertion, for the recruit frequently only enlisted for the purpose of obtaining the bounty, and he deserted as soon as the money had been spent, and so *toties quoties*. But what was the bounty of the Reserve, as it had been called by the noble Lord? It was a payment of 4*d.* a-day, in consideration of which the man offered his services to his country whenever an emergency should arise. Was it possible to conceive two payments more distinct in character or more opposed to each other? One gave every motive to profligacy and desertion; while the other supplied a man with a motive to prudence and patriotic devotion to the service of his country. The noble Lord said that there had been no training of the Reserve men during the last three years. It was true that the War Office had not called them into training. The Reserve proper could scarcely be said, as yet, to have come into existence. Parliament only passed the Act creating that Force in 1870, and as the period of service was for six years it was not until the year 1876 and following years that the real effect of the Act would be visible. It was true, nevertheless, that there had been some partial result from the Act. When he last looked at the Returns the Reserve consisted of about 7,000 men. It had not been necessary to call them out, for who were these men? Many of them had seen considerable service in the Army. It would have been a great hardship to call them out for training at a period when labour was unusually remunerative; and while it would be a loss to them to withdraw them from civil employment, their knowledge of warfare was quite suffi-

cient to justify the War Office in relying upon their services in case of emergency. Another reason was that the brigade depôts were not yet generally formed, and these were intended to be the places of training for the Reserve. When it was necessary to call them out they could be trained at the brigade depôts with the least expense to the country and the least inconvenience to themselves. The noble Lord said that these men of the Reserve were traversing the country and complaining of their evil fortune. He had never heard this before; and it was new to him to be told that a *bond fide* Reserve man was likely to complain that his country paid him 4*d.* a day, and required no duty from him which would interfere with any employment in civil life. The noble Lord also complained that no pensions were given, and that therefore no old pensioners were to be found testifying to the bounty of a grateful country. If, however, he would consider the subject for a moment, he would see that you could not give a pension for short service. It was necessary, in order to entitle to a pension, the man must have enlisted for long service; and such a pensioner was no longer competent to the service which the Reserve man was intended to fulfil. There was no analogy between the two cases — there was nothing but contrast. A pension was given for services already performed; and if the War Office gave money to men of the Reserve, it was because it looked forward to days yet to be spent in the service of the country. The truth was that the country wanted both descriptions of soldiers — the pensioners for long service, and the short service men for the Reserve, and under the system to which the noble Lord was now objecting, the country, for the first time, would have both. Their Lordships and the country had adopted this policy, and all that remained was that the Executive should apportion the number discreetly, according to the varying wants of the Service. He had no doubt that this was what Lord Northbrook told the noble Lord it was the intention of the Government to do, and he would put it to their Lordships whether, when only long service men were wanted in any particular arm, the Government ought to go on taking short service men; or whether, when only short service men

were wanted, the Government should go on taking long-service men.

THE DUKE OF RICHMOND said, that as the very few words which he had uttered in the previous debate had brought upon him a personal attack from his noble and gallant Friend (Lord Strathnairn), he should not be worthy the place he had the honour to hold if he did not attempt to put himself straight, and to justify himself with their Lordships in regard to a statement to which he adhered at the present moment. With regard to the noble and gallant Lord's Motion for Correspondence connected with the General Order from the Field Marshal Commanding-in-Chief, he understood from his noble Friend the Under Secretary for War that no such Correspondence existed, and it was therefore impossible it should be produced. With regard to the General Order itself, it formed part of those issued by the Commander-in-Chief of the Army, and had just been read by the noble Viscount. There could, therefore, be no difficulty in laying it on the Table. With regard to the general question raised by the Motion—it was a very serious charge to bring against a Member of either that or the other House of Parliament, who held high official position, to state that he had been guilty of a breach of faith, and no such charge should ever be made unless it could be fully and completely substantiated; and reference to the speeches of Lord Northbrook, as reported in *Hansard*, showed that there was no foundation for the charge the noble Lord had now made against him. He admitted that when his noble and gallant Friend the other night charged Lord Northbrook with a breach of faith, he described the charge as a very exaggerated one. The question arose out of the proposals that long and short service should go on *pari passu*. When the Short Service Act of 1870 was introduced, the Government which proposed it imagined that the whole of the Army would be enlisted for long and short service, enlistment for which was to go on *pari passu*. For himself, he thought it dealt with long and short service alike, and if he had not believed it to be so, perhaps he should not have supported it. It was very curious that, on the Motion of Lord Longford, the discussion on the Bill turned upon the question whether the long and short ser-

vice system should go on together? After what Lord Northbrook then said, he appealed to their Lordships whether his noble and gallant Friend was not chargeable with exaggeration when he founded upon that debate a charge of breach of faith? What was done was carried out in the most open manner—not by the Secretary of State, but by the Commander-in-Chief. As a General Order it was known in every barrack-yard in the country, and it was carried into effect in accordance with the rules and regulations of the Service. Having quoted the words used by Lord Northbrook in 1871, the noble Duke contended that it could not be argued, without exaggeration, that Lord Northbrook had been guilty of a breach of faith. The Government of which he was a Member had only acted as it had all along intended to act; and Lord Northbrook, if now present, would demur, as he had done in 1871, to the charge that he had committed a breach of faith. He would not follow his noble and gallant Friend into an examination of the military policy of the late Government. He did not always agree with them in the military line they had taken; but when his noble and gallant Friend blamed the present Government for applying short service to the Cavalry and Artillery, he would remind him that when the present Secretary of State for War came into office he found that the Warrant or Order was on the very eve of going out. His right hon. Friend (Mr. Gathorne Hardy) coming new into office, and having then only an imperfect knowledge of the subject, did not feel himself justified in interposing to prevent the Warrant from going out, but reserved to himself the right of watching the Order, and dealing with it as he should see fit after he had had sufficient time to consider the merits or demerits of the short time system. He regretted that a discussion of a personal character should have compelled him again to advert to this subject.

VISCOUNT HARDINGE said, that the statement of his noble and gallant Friend (Lord Strathnairn) as to what had passed on the second reading of the Enlistment Act was perfectly true, and it had been corroborated by the noble Duke the President of the Council. The Field Marshal Commanding-in-Chief told their Lordships that he certainly

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understood Lord Northbrook to promise that short and long service enlistment should go on *pari passu*, and also that soldiers who should enlist for the long service of 12 years should have the right to re-engage; and that those who enlisted for short service—that was who enlisted for six years' service in the Army and six years' Reserve, would have a right to re-enlist and go in for a pension. That right had been taken away from them, and it was no longer a right, but a special privilege.

THE DUKE OF CAMBRIDGE: It is just as much a right as ever. I beg to correct the noble Lord.

VISCOUNT HARDINGE believed that a soldier must now be specially recommended by his commanding officer for a pension, and he could not therefore conceive how it could still be spoken of as a right. What his noble and gallant Friend (Lord Strathnairn) complained of was, that the late Government had stayed all opposition to their Enlistment Bill on the distinct understanding that long and short service enlistment should go on *pari passu*, and that soldiers should have the right to re-engage and to serve for a pension; whereas, from the 5th May, 1871, to 5th May, 1872, all soldiers were enlisted for short service, and there were now 23,000 men in the Service who had no right to a pension. He would not go into the question of the Reserve, and he agreed with the noble Duke that "breach of faith" was too strong a term. The Lord President, however, himself admitted that the understanding existed, and that all opposition to the second reading was withdrawn in consequence of the assurances then given.

EARL GREY said, that the noble and gallant Lord (Lord Strathnairn) had charged Lord Northbrook with having deceived Parliament.

LORD STRATHNAIRN: Not wilfully.

EARL GREY: Certainly not willingly. As to this, the character of the noble Lord was alone sufficient to prevent the slightest doubt, and the vindication of the late Government from any intention of misleading Parliament was complete; but, at the same time, he felt bound to say that he concurred in thinking that there had been some misunderstanding in that House as to the course contemplated by the Government in consequence of what had been said. He also thought

the noble Viscount (Viscount Cardwell) had not succeeded in making out a satisfactory case as to the effects on the state of the Army of what he had done as Secretary of State. This was a subject of very great importance, and he could not banish from his mind a statement to which their Lordships listened not a month ago. Upon a discussion, raised by Lord Sandhurst, the illustrious Duke Commanding-in-Chief stated that the physical strength of the battalions was not what it used to be, and, further, that there was great difficulty in obtaining the services of duly-qualified non-commissioned officers. He had, he said, only "young fellows" to replace the present non-commissioned officers, and they had not the solidity of non-commissioned officers of former times. This last was a very serious matter, seeing how much the efficiency of an Army depended upon the non-commissioned officers. Nor was it less serious that there should be a falling off in the strength of the battalions, which could not be doubted when they remembered that, whereas formerly, under the system of long service, a battalion contained from 20 to 40 youths who had not reached their full strength, now under the short service system a battalion would contain from 100 to 150 young soldiers, it was not to be wondered at—as His Royal Highness had told them—that our troops of to-day were physically inferior to what our troops were formerly. Again, there was a serious doubt whether the inducement offered to men to join the Army was sufficient; and this doubt was strongly expressed in the Report made by the Inspector General in January, 1872. It should be remembered that a soldier was called upon to devote the whole of the best years of his life to the service of the State, and that when he was practically deprived of the right of earning a pension, not only had he no prospect afterwards, but the service in which he had been engaged had in itself a tendency to unfit him for the advantages of civil life, of which he might otherwise have been able to avail himself. He found, too, in the latest Report of the Inspector General the same doubt expressed. Indeed, that high authority, while stating that though hitherto we had succeeded in obtaining a sufficient number of recruits, said it was a matter of serious anxiety how the system would

answer in time of war—and, particularly after 1876, when the system authorized by the Act would first come fully into operation. We had, therefore, these facts on the highest military authority—that there was difficulty in keeping up the numbers of our battalions—that though we got recruits in sufficient numbers, a large proportion of our battalions was composed of youths unfit for active service—and that it was doubtful how far even such a supply of recruits as they now had would continue should we become engaged in a war. From what his noble Friend behind him had said, it was evident that the Reserve on which we were asked to rely so much existed, to a great extent, in imagination only.

VISCOUNT CARDWELL said, he had said nothing that was open to this interpretation. What he had said was that the Reserve consisted at present of 7,000 men, and that there was a large number of soldiers who would join the Reserve in the year 1876. He did not say they existed in imagination. He said they existed under the colours.

EARL GREY acknowledged that the word "imagination" was incorrectly applied; but he would have been perfectly right if he had said that our Reserve existed only in "anticipation," for it was evident not only that 7,000 was an insignificant number to rely upon in time of difficulty; but that it must be a long time before the men who were now in the Army, and who would leave it to join the Reserve, would be sufficient in number to form such a Reserve as was required. In the meantime, there would be no available resource, in case of sudden emergency, to add to the strength of our weak battalions. The Reserve, therefore, existed only in anticipation. But this was not all. How far could the small Reserve we actually had be depended upon? He would remind their Lordships that, in a former discussion, they had had a remarkable statement from Lord Sandhurst, to the effect that, during the training at the Curragh, 450 men of the Reserve Force were called upon to take part in the operations, and that only 50 men, or one-ninth part responded to the invitation. He had no desire to inculcate the late Government, or to raise any prejudice against them; but it was necessary for the safety of the country that we should have a re-

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liable Army and a reliable Reserve; and the position of affairs, as described from time to time by the Commander-in-Chief and the eminent military authorities in their Lordships' House, was not satisfactory. He cordially and heartily concurred with his noble Friend behind him (Viscount Cardwell) as to the policy of introducing what was known as short service; but what he maintained was that though his noble Friend had adopted the sound principles of short service under the colours, and of having a large Reserve to supplement that force in time of need, his noble Friend had not adopted the proper means for making that policy successful. His noble Friend had not, in his opinion, offered sufficient inducement to men to enlist in the Army, or, once enlisted, to continue in the Reserve. Upon that subject he had, for years, entertained the strongest conviction that to induce men to enter the Army, and to keep the Army in a satisfactory condition, it was absolutely necessary that the soldier should have a prospect of ultimately arriving at a pension. The father of the noble Viscount opposite (the late Lord Hardinge) had, in conversation with him, frequently expressed the opinion that not only was it of the utmost advantage to the Army that this prospect of a pension should be held out to the soldier, but that it was of the highest political importance to the nation; because, as he said—and it was a just and wise observation—it was not sound policy to train vast numbers of men to arms, and then to turn them loose upon the country, without retaining any hold upon them whatever. That was, however, what they were doing under the present system. What they were now doing was, they trained men for six years in the Army, they kept them for six years in the Reserve, and then at the end of the 12 years' service they turned them adrift on the country, just, perhaps, when they would have a difficulty in maintaining themselves in comfort, from their strength beginning to fail, for the ordinary purposes of civil life, which must tend to make them feel discontented, perhaps at a time of political disturbance, when the discontent of men trained to arms might be formidable. That appeared to him to be a most impolitic system. He did not say that a man who had retired from the service, and was not working for the

State, should receive the same rate of pension as those who had served it by continuous service; but it would be far better, instead of giving men 4*d.* a-day for doing nothing, to allow time spent in the Reserve to count—say, from one-half or two-thirds as much as continuous service towards the earning a pension. In that way the soldier would have the prospect at 40, or a little over, of falling back upon a pension; and, in the meantime, the country would possess a much more reliable Reserve force than it possessed under the present system. By supplying some such inducements to enter the Army, they would increase the efficiency of the service, and, at the same time, remove a great source of present dissatisfaction. The prospect of a pension, moreover, would prove not only a great inducement to enter the service, but would also tend to check desertion. There was another point to which he would refer. He could not help thinking that if we were to have short service, it would be well not to reckon as on the strength of the Army any men who had not been trained for it in some establishment analogous to the training ships for the Navy. If the service of a recruit were only to reckon from the time of his joining a regiment, certified as perfectly trained and fit for doing his duty, a most important point would be gained. No doubt, this would cause an increase of expense, and virtually it would be an increase of the Army; but he maintained there was no true economy in keeping up regiments with a nominal strength which did not represent their real strength; and the system of having regiments with 100 or 150 men not really fit for duty would, if a sudden emergency arose, be found most inconvenient. It was as opposed to true economy as to policy, and was inconsistent with the safety of the nation. When the expedition was sent to the Gold Coast, it was found necessary to weed the regiments selected of a large number of youths who were not fit for the service, and to fill their places with volunteers from other regiments. This it was possible to do, because that expedition was on a very small scale; but it would obviously have been impracticable if it had been necessary to send on foreign service 20 battalions instead of only two or three. What would be the feeling of the country if, on any sudden emergency, it were found

that of the Army at home one-fourth or one-fifth were practically ineffective? He must apologize to their Lordships for these observations; but he could not sit silent when he heard the noble Viscount (Viscount Cardwell) claim so much credit for the late Government for its policy with respect to the Army and its results.

THE DUKE OF CAMBRIDGE: My Lords, without going into the very interesting matters referred to by the noble Earl who has just sat down, I wish to correct a misapprehension of the noble Viscount (Viscount Hardinge) who spoke from the opposite bench with regard to pensions. The last Act made no change whatever with regard to 12 and 9 years men enlisted under the former Act. They would not have their pensions unless they served their full time. No change whatever was made in the system under which those men would obtain their pensions when the last Act—the Short Service Act—was passed. I think it very essential that that should be made known. I do not know to what the noble Viscount alluded. There may be some point, but I am entirely ignorant of it; and if there be the matter ought to be put straight at once.

VISCOUNT HARDINGE explained that he alluded to the paragraph in the General Order of 1871, which had been read by the noble Viscount (Viscount Cardwell), by which the privilege of remaining in the Army Service for more than six years was reserved to such men as might be "specially recommended."

THE DUKE OF CAMBRIDGE: I believe that paragraph entirely alluded to the men enlisted under the new Act for six years' active service and six years' reserve. If a man enlisted for long service and served the full period he was entitled to his pension, and to keep it from him would be a breach of faith; but if a man enlisted for six years' service, and knowing all the conditions, there would be no hardships in his not having a pension. It is essential that there should be no mistake on the subject, and I undertake to say that no alteration whatever was made by the new Act in that respect. Now, my Lords, I wish to say a word or two with reference to the remark of my noble and gallant Friend who brought forward this motion. I fear, my Lords, I am responsible in some

degree for having occasioned this misunderstanding, because I certainly admit that, when the subject was formerly introduced, I did use the words *pari passu*, because I was under the strong impression that the two modes of recruiting were to go on side by side. At first, that was done; but a modification was made afterwards, because it was felt that justice could hardly be done under the new Act unless certain alterations were made as regards the Infantry, and the Secretary of State having power under the new Act to use his discretion, he introduced the General Order which has been referred to to-night. The Act was so worked within the discretion of the Secretary of State that, for a time, no men were enlisted for the long service, and, therefore, the mode of enlisting side by side was not in operation. Certainly, with these regulations, a proportionate number would be ordinarily enlisted under one system and a proportionate number under the other; but if that power exists, it is right it should be exercised with discretion. As there is considerable doubt whether men prefer coming in under short service or whether they prefer coming in under long service, I cannot help thinking it would be advantageous that there should be as little restriction as possible, and that men should take long or short service as they think best. If, after the period of short service, the men came again for long service, the formation of a Reserve would be indefinitely postponed. The subject is involved in difficulty. For one reason it is desirable to proceed in the direction of long service, and for another in the direction of short service. I do not feel called upon at present to give any very decided view of my own; but, should the matter be discussed again, I shall probably be prepared to do so, and probably by that time that which is vague and doubtful now will have assumed more certainty. I must again say that there is nothing so detrimental to the interests of recruiting as doubt and uncertainty upon points of this nature. Though the sum involved may be small, it is very considerable to the class of men whom we desire to obtain.

LORD STANLEY OF ALDERLEY said, that as he had the honour of serving under Lord Strathnairn's orders, he hoped he might be allowed

to say a few words in support of his noble and gallant Friend. He had been much pained by the words used by the noble Duke (the Duke of Richmond), which were quite unnecessary. He desired to attempt to remove the personal element which had unfortunately been introduced into the discussion; he had heard every word that had fallen on the former occasion from his noble and gallant friend (Lord Strathnairn), and he would say frankly, that at the time, he had not understood them as conveying anything offensive or personal to the late Minister of War, but only as indicating some warmth, and as he had not understood them as offensive, he was justified in asserting that his noble and gallant Friend had not intended anything in that sense. He begged leave to remind the noble Duke (the Duke of Richmond) that in the opinion of many outside of the House, and inside of it, it was no part of the duty of Her Majesty's Government to be always defending the late Ministers; and if the Government always proceeded on the lines of the late Ministers, people would ask what use there was in a change of Government.

THE MARQUESS OF LANSDOWNE wished to point out the consequences of the assumption that the two systems of long and short enlistment were to go on *pari passu* and without restriction. The object of the Army Enlistment Act was to provide an Army of Reserve, and no Reserve was possible except under short service; if, however, recruits were invariably allowed to select between long and short service, and if, which was not at all improbable, the general preference was for the former, we might eventually find ourselves without any men for that Reserve which it was the object of the Act to create. That showed that no such understanding as that suggested by the noble and gallant Lord could reasonably have been come to by the Government, and it was therefore fair to presume that those who entertained the idea were in error, and not those who had charge of the administration of the Army. The late Government did not yield to the noble Earl on the cross benches (Earl Grey) in their desire to see the British Army abundantly supplied with men who might by length of service and by habits of discipline, become qualified to act as its non-commissioned

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officers. If the late Government had instituted short service and nothing but that, they might have been open to the reproaches cast upon them; but it was their intention from the first that there always should be in the ranks of the Army such a proportion of long service men as would secure the requisite number of properly qualified non-commissioned officers. In support of this statement it was fair to remind the House that the late Government were mainly responsible for a recent change which enabled the War Office authorities from time to time to vary the conditions of service so as to enable young men who had enlisted in the first instance for short service, and who showed a disposition for soldiering, to convert their engagement into one for the longer period, a regulation which would unquestionably have the effect of retaining in the Army the very class of men from whom its non-commissioned officers might with advantage be selected. In reply to what had been said as to the quality of the recruits, he would quote a passage from the Report for 1873 of the Inspector General of Recruiting, who said—

"The quality of the recruits raised during the year may be considered as satisfactory. At all the chief military stations throughout the kingdom the principal medical officers have made reports monthly on the subject, and on all occasions have expressed themselves fully satisfied with the physique and general appearance of the men who have joined the several corps. A few exceptional cases have been remarked upon, chiefly of lads objected to as being deficient in stamina and bodily development; but these in nearly all instances have grown into strong, healthy young men, a consequence, no doubt, to be ascribed to the better feeding provided, and the more healthy and active habits pursued as soldiers than in the conditions of life previous to enlistment."

The evidence of commanding officers was summed up by the Inspector General in these words—

"During the 12 months ending on the 30th of June last 258 objections to recruits sent to regiments were made by commanding officers. Of this number, after thorough inquiry and examination, 117 were retained, and the remaining recruits, in all 141, were released from the service, being a proportion of less than 1 per cent on the total number of recruits raised during those 12 months."

From the general annual Return of the British Army it appeared that out of a total of 182,000 men, only 28,000 were below the age of 20. He could not find in the Inspector General's Report any-

thing to justify any apprehensions as to the supply of recruits in the future. On the contrary, it was said—

"In the course of time, when all the necessary requirements are available, it may be fairly assumed, judging from the results already attained at 'formed' brigade depôts, that the sub-district generally will be found to afford an adequate number of recruits for the battalions connected with them."

He had heard on excellent authority that the month of June this year had proved a better month for recruiting than any corresponding June in the last 10 years, excepting June, 1871. With regard to the small number of the Army Reserve, he must submit that it was not possible to pass from a system of long service to a system of combined long and short service without a period of transition, and until that period was passed it was impossible to predict what the number of the Army Reserve might be, while it was certainly unfair to complain of the effects of a system which would not come into full operation until two years hence. The noble Earl (Earl Grey) had stated the men now in the Reserve were not available for service when required, and he supported himself by reference to the statement of Lord Sandhurst, who told the House that upon a recent occasion out of about 450 men called out for the Autumn Manœuvres only one-ninth were forthcoming. In reply to that, he might say, that he pointed out the other evening that these men were not called out in the proper sense of the word. Volunteers were invited to come out, and as might be expected, a very small number came; but no appeal was made to the statute, and therefore the effect of calling out the Army Reserve men had not yet been tested. The noble Duke opposite (the Duke of Richmond) had stated that the present Government had issued the Circulars under which short service was extended to the Cavalry and Artillery principally because, finding them in an advanced state of preparation, they desired to avoid further delay, but that they reserved to themselves a discretion to withdraw the Circulars and make some change, if the system should not be found to work satisfactorily. That was an accurate account. The subject of short service for the Cavalry and Artillery was carefully investigated by the late Government; it was discussed with the illustrious Duke

effectual the Police in Counties and Boroughs in England and Wales?"

MR. ASSHETON CROSS, in reply, said, that it was certainly not his intention to recommend Her Majesty's Government to take the course proposed by his hon. Friend. He thought that if the 15th section of the Act of Parliament, which required the efficiency of the force before the making of grants, was wise, the 17th section, which limited the grants to places with over 5,000 inhabitants, was still more wise. If places with small populations were to be indulged with the expensive and somewhat extravagant luxury of having a police of their own, he was afraid they must also be indulged with the still more extravagant luxury of paying for it themselves.

ARMY—ROYAL MILITARY COLLEGE,
SANDHURST—SUB-LIEUTENANTS.

QUESTION.

MR. ARCHDALL asked the Secretary of State for War, Whether Sub-Lieutenants who (in consequence of the late changes made with respect to the Royal Military College at Sandhurst) have been unable to finish the prescribed course of instruction, will receive their Commissions at the expiration of two years from the dates of their appointments, as contemplated by previous regulations?

MR. GATHORNE HARDY, in reply, said, the subalterns who were completing their education under the altered conditions imposed by the changes referred to by the hon. Member would receive their commissions just in the same way as formerly, on the completion of their course.

NEW PUBLIC OFFICES—WAR OFFICE.

QUESTION.

MR. COOPE asked the First Lord of the Treasury, Whether, with a view to remedy the want of accommodation and the inconvenience of the premises at present occupied by the War Office, he is prepared to take steps for the erection of a new building suitable to the wants of the Country; and, whether he is prepared to take powers for the purchase of the block of buildings between Parliament Street and King Street, with the object of erecting public offices thereon?

Mr. Egerton Hubbard

MR. DISRAELI: There certainly, Sir, is a great want of accommodation and great inconvenience in the premises at present occupied by the War Office, and I think it will be necessary to take steps to obviate that inconvenience, but I must say that I am not prepared at present to state what those steps should be.

ARMY—THE SWORD-BAYONET.

QUESTION.

MR. MUNTZ asked the Secretary of State for War, If his attention has been called to the Report of the French Special Commission presided over by Marshal Canrobert, in which it has been virtually decided to abolish the use of the sword-bayonet; and if, in face of that decision, it is the intention of Her Majesty's Government to persist in the adoption of this weapon?

MR. GATHORNE HARDY, in reply, said, his attention had not been called to the Report referred to in the Question of the hon. Member. He was not in possession of the document, nor had it been sent to the War Office, and he was therefore unaware of the decision which had been arrived at. He might add that Her Majesty's Government had come to no absolute decision as to the adoption of the sword-bayonet.

RE-ORGANIZATION OF THE CUSTOMS
SERVICE.—QUESTION.

MR. GOURLEY asked Mr. Chancellor of the Exchequer, If any provision has been made in the late re-organization of the Customs Service for the promotion of Clerks of the First Class at the undermentioned Ports, viz. Aberdeen, Cardiff, Dover, Dundee, Exeter, Falmouth, Folkestone, Gloucester, Grimsby, Hartlepool, Limerick, Londonderry, Manchester, Newhaven, Newport, Portsmouth, North Shields, Sunderland, and Swansea; if not, if it be intended to alter the present regulations in order that Clerks of the class mentioned may not be debarred from promotion?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, no provision had been made for the promotion of clerks of the first class at the ports mentioned by the hon. Member. The re-organization referred to did not embrace that question, and it was not the intention of the Board of Customs to make any pro-

posal on the subject. The matter was a very complicated one. It was connected with the whole question of the re-organization of the service, and would affect many classes of officials other than the clerks of the first class. He believed the subject had been brought under the consideration of the Commission which was now sitting, under the presidency of the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair.)

DWELLINGS FOR THE WORKING CLASSES (IRELAND)—LOANS BY THE BOARD OF WORKS.—QUESTION.

Mr. RONAYNE asked the Chief Secretary for Ireland, Whether it is the fact that the Board of Works (Ireland) can only lend corporate bodies one-half the amount they may require for the erection or improvement of dwellings for the working classes, and that corporate bodies can only levy a rate for the moiety so lent, and are therefore unable to avail themselves of Loans for such purposes; and, whether he will, in the Public Health Bill or otherwise, provide for this difficulty by enabling the Board of Works to lend the whole amount, and by giving corporate bodies power to levy rates to pay the interest thereon?

Sir MICHAEL HICKS-BEACH, in reply, said, it was a fact that the Board of Works could only lend to corporate bodies in Ireland one half of the amount they might require for the erection of improved dwellings for the working classes, and, unless the corporate bodies were possessed of landed property sufficient to secure the other half, a rate levied under the Act was the only fund available for the repayment of the Loan. With regard to the second part of the hon. Member's Question, he must remark that the matter was one rather for the consideration of the Treasury than of the Irish Government; but if the hon. Member liked to propose a clause for insertion in the Public Health Bill, he should then be prepared to announce the intentions of the Government on the question.

WAYS AND MEANS—BOARD OF LUNACY—(SCOTLAND).—QUESTION.

Mr. ELLICE asked Mr. Chancellor of the Exchequer, Whether the Government has considered and come to any decision relative to the question of extending to pauper lunatics confined in licensed wards of poorhouses, or boarded out under authority from the Board of Lunacy in Scotland, the benefit of the allowance proposed in the statement upon the Budget to be given in respect of pauper lunatics confined in asylums?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the proposal which was originally made by the Government had reference in all parts of the United Kingdom to lunatic paupers who were placed in asylums outside the poorhouse, and it would hardly be consistent with the proposal that was made or with the Estimate formed that the Grant should be extended to any other class of pauper lunatics. He was, however, bound to admit that some of the representations made to Her Majesty's Government from Scotland seemed to show that the case of that country required to be more fully considered. There would be plenty of time for such consideration, as the Grant would not be payable until the end of the year and it would not be necessary to take the Vote until the expiration of the financial year. In the interim he should give his attention to the subject in communication with the authorities in Scotland.

THE PUBLIC OFFICES—PURCHASE OF SITES.—QUESTION.

Mr. COOPE said, that as the right hon. Gentleman (Mr. Disraeli) had not answered the latter part of the Question which he put to him a few minutes ago; he was desirous of learning from him, Whether the Government intend to purchase the block of buildings between Parliament Street and King Street?

Mr. DISRAELI: Sir, I quite understand the scope of the Question of the hon. Member; but I must say I do not think it for the public advantage that I should at the present moment express in any distinct or definite manner what are the steps which Her Majesty's Government contemplate to effect the object we have in view.

PARLIAMENT—
LAUNCESTON NEW WRIT.

MR. DYKE *moved*—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Member to serve in this present Parliament for the borough of Launceston in the room of James Henry Deakin whose election has been determined to be void."

MR. C. E. LEWIS said, he was aware that, in accordance with the Rules of the House, he was not entitled to submit any Amendment having reference to the Report of the learned Judge who had tried the Petition against the return of Colonel Deakin. The circumstances, however, were so extraordinary and unprecedented that he did not think the Motion ought to be allowed to pass without attention being drawn to the subject. He had endeavoured to understand the certificate of the learned Judge, and thought he was warranted in saying that if full effect were given to his Report, the result would be that they should hold that corruption did extensively prevail at the late Election, as, if the Report meant anything, a great many people appeared to have been corrupted, notwithstanding that the learned Judge reported that corrupt practices did not extensively prevail. He wished, however, to draw attention specially to the serious result of the case. A punishment all but criminal in its effect had been inflicted upon a former Member of that House under circumstances which he believed to be altogether unexampled. From that sentence there was no appeal, and from its consequences the gentleman to whom he referred could not purge himself for seven years. Such a state of things must necessarily claim the very serious attention of every hon. Member of that House to the risk each one of them might run if he ever again entered into an Election contest; for, according to the learned Judge, there was in the present case an absolute absence of corrupt intention. He distinctly negatived any such suggestion. The observations in respect of which he was ultimately unseated were, according to the Report, made by the candidate suddenly—upon the spur of the moment, and without any consideration as to the consequences of making them, or the audience to whom they were addressed. The House was placed in an unfortunate position, because while they could express an opinion upon a

decision which affected the constitution of the House they could not in any way resist the legal consequences of that decision—the allowing that a vacancy had occurred and the consequent issue of the New Writ. It was, indeed, only by ordering another Election that they could do justice—scant justice it would be—to the constituency in question. A Motion was, he understood, likely to be made that night for the printing of the evidence taken at the inquiry and of the judgment delivered by the learned Judge, of whom he desired to speak with the highest possible respect; but he thought that before the House was asked to assent to the continuation of the Election Petition Act, the present and other cases which had been reported to the House ought to receive the most anxious attention of hon. Members. He hoped they would not continue to place any subject of the Crown in the position of having an all but criminal sentence passed upon him by one person against whose decision, even if it were founded on a misapprehension of the Law, there was no possibility of appeal.

MR. FORSYTH said, he had given Notice of a Motion for that evening for the printing of the evidence and judgment referred to, because he thought they ought to have before them the grounds on which the decision was based. They had no power to review it, and he did not even suggest that it was not perfectly right. There was no doubt, however, that the judgment had excited some surprise, and not the less that the learned Judge had pursued the unusual course of mentioning a number of circumstances tending to exculpate Colonel Deakin. It was desirable that the House should know the extreme peril in which each individual Member of it was placed. They had now no authentic record to refer to in order to ascertain what the law really was as laid down by the Judges. Formerly, such was not the case, for there was a regular series of Reports which recorded the judgments of Committees of the House of Commons. He would suggest to the House the expediency of agreeing to a Standing Order to the effect, that in each case a printed Copy of the Judgment should be laid upon the Table of the House in order that hon. Members might know the perils which they would have to encounter.

Motion agreed to.

CONVOCATION—LETTERS OF
BUSINESS.—QUESTION.

MR. HORSMAN asked the First Lord of the Treasury, Whether it be true that Her Majesty has been advised to issue a Letter of Business to Convocation; and, whether a Copy of that Letter will be at the same time presented to Parliament?

MR. DISRAELI, in reply, said, it was quite true that Her Majesty had been advised to re-issue or renew the Letter of Business, which was issued to Convocation in the year 1872. The Letter was not on the Table, but if the right hon. Gentleman wished to have a Copy there would be no objection to granting it.

MR. HORSMAN said, he had only asked the Question in case the form should have been varied.

MR. DISRAELI said, he understood there was not the slightest change, it being merely the renewal of the Letter granted in 1872, which fell to the ground in consequence of the Dissolution of Parliament. If, however, there should be any difference he would lay the Letter upon the Table of the House.

SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

EGYPT—CONSULAR JURISDICTION
AND THE SUEZ CANAL.
RESOLUTION.

MR. BAILLIE COCHRANE, in rising to call the attention of the House to the difficulties which arise from the Consular Jurisdiction in Egypt, more especially as it affects our relations with the Suez Canal Company; and to move—

"That the commerce of this Country being so deeply interested in the uninterrupted navigation of the Suez Canal, it is desirable that Her Majesty's Government should at once give its adhesion to the proposed judicial reforms in Egypt, suggested and approved of by the representatives of all the European Powers, by which tribunals will be created for the better administration of justice in Egypt and the adjudication of differences which may arise between British shipowners and the administrators of the Suez Canal Company."

said, some years had now elapsed since a Commission at Constantinople had considered the important question he

was desirous of bringing before the House, and still the matter remained in a state of uncertainty. He had on a former occasion called attention to the matter, but nothing had since been accomplished to remedy the defects of a system which concerned all European nations. It was important that the House should express some opinion on the unsatisfactory state of the Consular jurisdiction in the East, and in the first place, he would point out its present condition, then the recommendations of the Commissioners, and finally how they bore upon our relations with the East generally, and the question of the Suez Canal especially. The present Consular jurisdiction was the growth of three centuries, and the French were first to have their Consuls established in the East. At first, the Consuls only demanded the right of being present at the trial of British subjects, and no doubt when their jurisdiction was originally established, the state of Turkey was such that it was very essential that the Consuls should have great power, it being then impossible to leave English interests in the hands of Turkish tribunals. But the Consuls gradually extended their authority, until at last they claimed the power of trying cases themselves. That led to a most anomalous and unsatisfactory state of things, and one that did not exist in any other country, for there were in Alexandria no fewer than 100,000 foreigners belonging to 17 different nationalities, and every one of those persons claimed the right to have his case tried in the Consular Court of his nation. The result was, that in Egypt the Viceroy could not impose taxes without foreigners refusing to pay them, and when his Government brought an action against them, it was tried in a Consular Court, when the verdict was given in favour of the foreigner; and the consequence was, that when foreigners escaped from paying the taxes, the Viceroy's own subjects refused to pay them also. How could affairs be expected to go on where such a state of lawlessness prevailed as took away all power from the Government of the country? The effect of this system was, that in a country where there was a surplus revenue of £1,600,000 or more, they could not obtain money at less interest than 12 or 14 per cent. Lord Stanley, in his despatch of the 18th of October, 1867,

speaking of Consular jurisdiction, described it as—

"injurious to British interests and derogatory to the character and well-being of the Egyptian Administration;"

and his Lordship added, that—

"Her Majesty's Government are certainly not inclined to hold out for a jurisdiction for which they have no treaty right, which they admit to be an usurpation, though brought about by force of circumstances."

Again, Lord Granville, writing to Lord Lyons in 1870, said—

"The Governments of England and France agreeing to the proposed reforms, it seems to Her Majesty's Government that the fact of that accord should be made known to the other Powers who are represented on the Commission that sat at Cairo. It remains for the Viceroy to obtain the consent of the Sultan to these proposed reforms, and it is for the Sultan to inform all the Powers that these reforms are sanctioned by law."

Lord Granville had the weakness, as he must call it, to say that he could not act in the matter until they had the acquiescence of the French Government; and the whole thing, therefore, was at a standstill, and likely to continue in that state, if they were to wait for that acquiescence. Nothing could be fairer than the Report of the Commission on that subject. They proposed that there should be established not only an original Court, but a Court of Appeal and a Court of Revision, with Judges composed one-half of foreigners, and one-half of Egyptians, whose proceedings were to be conducted in French, the language of diplomacy. Those Courts were to have cognizance of all cases which might be brought before them. If that system were adopted it would produce a most beneficial change in the whole state of affairs in Egypt. He now came to the question of the Suez Canal—one of immense interest to this country. Great difficulties had lately arisen on the subject of the tonnage rate, and he complained that the original rates of tonnage had been departed from. In the original Convention made by M. de Lesseps with the Turkish Government, it was distinctly stated that the rate should be estimated according to the actual carrying power of the ship. Afterwards, M. de Lesseps adopted the principle of charging not upon the net, but upon the gross tonnage of the ship, which made a difference of over 50 per cent to the Peninsular and Oriental

Company and others, who had been heavily mulcted in consequence. For the last two years he had been charging on the gross tonnage, and no vessel was permitted to enter the Canal without paying on that scale. He was speaking under the correction of the Foreign Office. Protests were made and some proceedings were taken, and a decision was given by the Court of Paris on the subject. It was denied that the Egyptian Court had any authority at all in the matter. The Sultan of Turkey took the question in hand, a Commission sat, and they came to the decision that M. de Lesseps was in the wrong, but he might surcharge three francs per ton, subject to a small reduction, for a certain amount of additional tonnage. M. de Lesseps, however, complained that he had been ill-treated, and he threatened all kinds of proceedings when he had the power to carry them out. They were accustomed to hear continually that this was a French Canal, constructed by French enterprise and French money. It was also well known that Lord Palmerston was opposed to the construction of the Canal, and he was right, because at one of the early meetings of the shareholders the project was spoken of as a sword to stab the heart of England. No doubt, the French at all times had the greatest jealousy of English influence in Egypt, and as a proof of that, he might refer to the expedition of the First Napoleon to that country in the beginning of the present century; and there was little doubt that jealousy of the facilities afforded to this country by the railway from Alexandria to Suez had been the main cause which led to the construction of the Canal. When, however, they were told that the Canal was constructed by French capital, it should be remembered that £14,000,000 was contributed by the Khedive, and £7,000,000 or £8,000,000 by the French. The greater part of the capital, therefore, was supplied by Egypt, and not by France, and this fact appeared to be entirely ignored by M. de Lesseps. The Khedive had also, under the terms of the concession, to find a certain amount of labour, and failing to do that, he had to compensate the Company for his breach of engagement, and the matter having been referred to the late Emperor Napoleon as arbitrator, he decided that the Viceroy should pay a further sum of £3,800,000, for

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which he was not to receive any interest for 25 years. That fact did not, however, prevent the Khedive from being a real Power in connection with the undertaking. Notwithstanding all that contribution the whole management of the Canal was in the hands of the French, for there was not a single *employé* engaged on the Canal who did not belong to that nation; and that it was not now closed to British shipping was due solely to the energy of the Viceroy. What the French claimed, indeed, was to deal with the Canal independently of the country to which it belonged. M. de Lesseps remarked at the last meeting of the shareholders that all the projected improvements were stopped, and that he renounced for the future any generous action. This declaration was received with great enthusiasm—

"What is remarkable," M. de Lesseps added, "is that these improvements are suggested by the English Government to enable their transports of 4,500 tons to pass through the Canal."

Upon this *The Messenger de Paris* observed—

"It is the English Government which has imposed its resolutions on the Sultan. It is with profound regret our readers will learn that it is England which has shown this contempt for French interests."

It was time, when these statements were made, that we should learn what was really our position with regard to the Canal, for it was not becoming the dignity of this country, especially as she was the best customer of the Canal, that she should be placed in a position of inferiority in Egypt. The last Return of the number of ships which passed through the Canal that he had by him was that for 1872. In that year 1,082 vessels passed through the Canal, and of these 761 were British, 80 French, 66 Italian, 61 Austrian, 33 Turkish, 16 German, 13 Dutch, 10 Russian, and 10 Portuguese. They might perhaps be told that if the Canal were closed, they could again revert to the old route; but they might as well be told that if the railway system were abandoned, they could recur to the older modes of conveyance. This question was one intimately connected with the Amendment he had placed on the Paper, and with proper Egyptian Courts, questions affecting the Canal would come before them for decision, instead of being submitted to the French Consul, and the country

which actually possessed the Canal would have a share in its control. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the commerce of this Country being so deeply interested in the uninterrupted navigation of the Suez Canal, it is desirable that Her Majesty's Government should at once give its adhesion to the proposed judicial reforms in Egypt, suggested and approved of by the representatives of all the European Powers, by which tribunals will be created for the better administration of justice in Egypt and the adjudication of differences which may arise between British shipowners and the administrators of the Suez Canal Company,"—(*Mr. Baillie Cochrane*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CARTWRIGHT thought that there was no subject more worthy of consideration, as affecting English interests, than that which had been brought under their attention by the hon. Member (*Mr. Baillie Cochrane*), but he had been disappointed in the wording of the Resolution and in the speech of his hon. Friend, because he had mixed up two subjects which ought to be kept quite separate, namely, the question of the judicial system in Egypt as regarded the Consular jurisdiction, and the question of the Suez Canal. The latter question not only affected the interests of Europe, but also of England, and it was necessary, therefore, that the attention of the House and the country should be drawn to the issues connected with it. The present judicial system was based on no right that could show a legal title, and was merely the outcome of abuses which had existed for centuries. He believed, however, that Consular jurisdiction abroad involved no more than a fair and right guarantee which was demanded by civilized Governments for the protection of their subjects from Governments which were not civilized. The present condition was this in regard to Egypt. An international Conference met at Cairo, and, after conferring with the Egyptian Government, proposals were made and accepted for a new judicial system, with certain guarantees. But when, two years ago, the question was brought before the House by the hon. Member for the Isle

of Wight, and the hon. Gentleman drew attention to the fact that, although the Convention had been signed, and the draft adopted unanimously, that draft had never been put in execution; the then Under Secretary for Foreign Affairs said he felt confident that within six months a judicial system of reform of the whole Egyptian Empire would be put in operation. Nevertheless, it appeared that although two years, instead of six months, had elapsed, the same judicial system existed now which existed seven years ago. What had stopped the way in the execution of a reform which had been decided to be necessary by the Representatives of all the European States? He believed that what had really stopped the way was the unfortunate jealousy of France as to exercising a certain kind of Protectorate over the Latin Christians; but it seemed to him that where there was a concurrence of opinion among the chief maritime countries of Europe, it became a question whether some pressure should not be put upon the Egyptian Government. He thought the present position of affairs was one which had deleterious consequences both to Egypt and to our own commercial interests. It was not a question of M. de Lesseps, but the real question was, whether any action was going to be taken to carry into execution a sound and approved proposal for an improved judicial system in Egypt. Such a course would tend materially to the interest of all concerned.

SIR EDWARD WATKIN held that England had no special interest in Egypt, except in so far as that country was the high road to our Indian possessions. Their only possible difficulties, therefore, in connexion with Egypt must have reference to the possession and working of the Suez Canal, and he could not help saying that they might have appropriated it if they had not exhibited that absurd commercial jealousy which was now charged upon France. So far, however, from M. de Lesseps having a jealousy of English commerce, he (Sir Edward Watkin) could say from personal knowledge that he had ever wished to co-operate with England as his best customer, and that he was willing to accept our assistance with a view to the improvement of that great work. There was no doubt that Lord Palmerston, in particular, had shown a remarkable pre-

judice in the matter, and he (Sir Edward Watkin) remembered having heard Mr. Robert Stephenson, the celebrated engineer, declare, in effect, in that House, in 1857—first, that the Canal could never be made; secondly, that if made it could not be kept open; and, thirdly, that if made and kept open, it would never be of use to any one. When asked afterwards why he had condemned the scheme so strongly, Mr. Stephenson simply said—“Palmerston told me to speak.” Now that the Canal was constructed we recognized its value, and it seemed to him that some scheme might readily be devised by our own Government, in concert with others, with the object of making the Canal as deep and wide as had originally been intended, and of obtaining a guarantee which would be the means of obviating a recurrence of difficulties in the future. It should also be placed under a judicious police control, for if anything was likely to arise to complicate our arrangements with France and Turkey, it would result from disputes relative to this high road between Europe and India, seeing that no engagements had been entered into which would secure the neutrality of the Canal in time of war. That it was our shortest way to India, and that that advantage was appreciated, was shown by the fact that it was already traversed by 700 of our vessels during the year. He thought, therefore, that if the Government wished to promote the interests of British commerce, to facilitate our access to India, and to prevent diplomatic difficulties, they must purchase the right to interfere in the police and management of the Canal.

MR. KINNAIRD said, he trusted that the recommendations which had been made would be carried out by the Government. He rose to defend the policy of Lord Palmerston with regard to the construction of the Suez Canal; for he (Mr. Kinnaird) contended that the noble Lord's opposition was not to the construction of the Canal, but to the terms of the proposed concession to France, which would have given her sovereign rights over a large extent of territory, and would have authorized the construction of the works by slaves instead of by free labour. He trusted that the Government would not shrink from securing this highway between Europe and India, even if it were by means of a guarantee.

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seeing that even if they were ever called upon to repay any portion of the borrowed money, the loss would be amply compensated for by the commercial advantages which this country would obtain from the Canal being kept open.

MR. BOURKE said, that no one would regret that this subject had been brought before the House by the hon. Member for the Isle of Wight, seeing its important character. The increasing cultivation of cotton, and the commercial enterprise dependent upon, and the amount of capital invested in, the Suez Canal, had rendered a judicial reform in Egypt absolutely necessary; and beyond that, their communications with India and other places were also daily becoming more important. No one could deny the evils of the present system. Under the treaties and capitulations now in force, each European Government had acquired a distinct jurisdiction, with unlimited power over its respective subjects. Thus, groups of people of different nationalities in Egypt formed distinct colonies, having different laws, Courts, procedure, prisons, and judicial staff, and the result was that 16 or 17 Consulates and Consular Courts exercised jurisdiction on different principles. The universal rule was, that each defendant must be brought before his own tribunal. That rule was almost invariably taken advantage of, and the result was, that there was a direct premium upon breaches of contract, because the plaintiff in an action could not possibly tell in which of these numerous Courts his remedy against the defendant must be sought; and beyond that, each party to a suit wished to be made defendant, so that he might choose the tribunal. If a plaintiff brought an action against one member of a firm consisting of a Greek, a Russian, and an Austrian, and recovered judgment in the Greek Court, the execution of that judgment was sure to be opposed by the Russian and Austrian Courts, and it would be necessary to recover judgment in both those Courts before the plaintiff could obtain payment of his debt. In the case of an execution, the property of a debtor was sometimes assigned to another nationality, and then the Consul of the country of that person who occupied the property, stepped in to prevent the enforcement of execution. In cases of bankruptcy, too, when the firm consisted of

persons of different nationalities, there might be three or four sets of assignees and as many modes of proceeding. But when the question was between the Egyptian Government and a foreigner, the case became more difficult, because if the foreigner refused to go into an Egyptian Court, the claims were settled by diplomatic action upon the Report of the various Consuls, instead of being settled as they should be, by the judicial power. It was, therefore, in the interest both of Egypt and Europe that the Egyptian judicature should be reformed. The case of the Suez Canal had nothing to do with the question before the House. Her Majesty's Government had always held the Suez Canal Company to be an Egyptian Company, and therefore the rule applied, that if it were sued, it must be in a Court of its own country. His hon. Friend had suggested that the Suez Canal Company had an interest in keeping up the present condition of affairs, and that it was the duty of this country to take steps to carry out the judicial reforms which had been recommended, even without the intervention of France. Such a proceeding, would, however, be likely to defeat its own object. The result would be, that France would refuse to recognize the judicial reforms when they were effected, and would retain the same power she now had under treaties and stipulations; and if she were so inclined, she could recommend the Suez Canal Company to resort to the Consular Court when they had occasion to sue. That, he thought, would be an undesirable course for the Government to take; while, as to the objects of M. de Lesseps or the interests of this country in purchasing the Suez Canal, that also was not the question before the House. This country had all along held the same language—that any reform of the Courts of Alexandria must be beneficial; but if the European nations abandoned the Consular jurisdiction, it was absolutely necessary that the tribunal to be established should be one in which perfect confidence could be placed, in which the law to be administered should be clear and uniform, its procedure simple, and its practice well defined; that there should be an appeal from its decisions, and that its decrees should be carried out by officers belonging to the Court itself. His hon. Friend sug-

gested that the Papers on the subject should be laid upon the Table. Well, the negotiations with various Powers were very voluminous, extending over 600 or 700 pages. They might be thus summed up—In 1867, Nubar Pasha brought the subject before Her Majesty's Government, and they acceded to his view. An International Commission was appointed, which sat at Constantinople, and which made a recommendation that was accepted by this country, but some of the details of which were objected to by France. The French Government suggested another scheme, and that also was accepted generally by Her Majesty's Government, the Law Officers of the Crown declaring, on inspection, that it was immaterial which was adopted. Circumstances, however, arose which prevented the scheme being carried into effect. Questions arose between the Porte and the Viceroy, and then the Franco-German War intervened, and caused further delay. Last year a Conference was held at Constantinople, and the Viceroy and the Representatives of the various Powers assented to the scheme of France. Since that time, however, France had raised some difficulty as to a question of detail relating to fraudulent bankruptcy. Her Majesty's Government were now in communication with the Government of France, and were not without hope that those difficulties would be overcome. If they were not, it would be open to Her Majesty's Government to act upon the suggestion made, and to adopt the scheme without France joining them. That was a course which the Government would much regret to adopt, because they felt satisfied that if those judicial reforms were to be successfully carried out, all the Powers should join together in giving effect to them. With respect to the Papers, any one conversant with foreign affairs must see that, as the negotiations had been pending almost continually since 1867, it would have been prejudicial to their success had they been produced. When, however, a conclusion had been arrived at, either with or without the assent of France, he should be prepared to lay on the Table all the Papers that were necessary to elucidate the question. They were most anxious to aid the Viceroy in his reforms. He had long shown that he entertained most enlightened views upon the sub-

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ject, and they were very desirous, in the interests of Egypt and of the commerce of this country, that, in giving effect to those views, he should receive the cordial assistance of Her Majesty's Government. He hoped that, after the statement he had made, his hon. Friend and the House would see that it was impossible the Government could accept the Motion he had submitted.

MR. J. MARTIN said, he had hoped to hear from the hon. Gentleman who had just sat down, some explanation of the circumstances which were detailed in the Report of the Suez Canal Company. That Report led him to the conclusion that the diplomatic influence of England had been exerted in a sense ungenerous and unfair towards the Company. In the scheme which would shortly be laid before the House, for forming a friendly legislative connection on equitable terms between this country and Ireland, the foreign relations of the Empire would of course be referred to. These foreign relations the Irish Members intended to leave, as at present, to the control of this country; but the sentiment and opinion of Ireland would, he hoped, exercise some influence over the foreign policy of England. But the people of Ireland would never be able to sympathize with a policy that was greedy or selfish; and he feared that it had been selfish in the case of the Suez Canal. It would be very ungenerous and very unfair if England, who owned seven-tenths of the vessels which passed through the Canal, so acted as to prevent the shareholders of the Company from deriving a fair profit from their undertaking.

Question put, and *agreed to*.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

WELSH COUNTY COURT JUDGES.

OBSERVATIONS.

MR. OSBORNE MORGAN: I rise, Sir, to call attention to a question which I had the honour of bringing before the House two Sessions ago—the propriety of appointing to the office of County Court Judges in Wales, gentlemen who are themselves conversant with the Welsh language. And although some of the remarks which I shall have to address to the House are applicable

doubtless to other parts of Wales, I ought to state that in placing this Notice on the Paper, I have had more particularly in view the district known as the Mid-Wales County Court Circuit. That district comprises the whole of Merionethshire, with portions of the adjoining counties of Carnarvon, Montgomery, and Cardigan. It lies in the midst of the Welsh-speaking portion of Wales; a district as yet unsophisticated by contact with the Saxon, and to which, therefore, that eminently Saxon vice of drunkenness—which the hon. Member for Southwark (Mr. Locke) the other night, speaking, no doubt, from his own unfortunate experience, attributed to the whole Welsh people—has not yet penetrated. Indeed, few people who have not resided in that district know to what an extent the Welsh language still prevails there. It is not an exaggeration to say that nine-tenths of the population habitually speak it, and probably one-half speak nothing else. They use it not only for the ordinary intercourse of life, but for the purposes of business—they write their letters, they draw up their contracts, and they make their wills in that language. Now I should have thought that to have required a County Court Judge administering justice in such a district, to understand that language would have been almost a matter of course. It is no answer to say that justice is efficiently administered in this very district in the Superior Courts by Judges who do not understand Welsh. Admitting that to be true—though I am disposed to think that there is another side to the question—there is, really, no analogy for this purpose between the Superior Courts and the County Courts. In the former the cases are sifted by intelligent solicitors who understand both languages, who take the instructions from their clients in Welsh, and communicate them to counsel in English, and who are at hand to correct any slip into which an interpreter may be betrayed. Moreover, the interpreters are generally men of skill and education, and last, but not least, the verdict is found by a jury conversant with both languages. It is obvious, therefore, that the risk of a miscarriage of justice is reduced to a minimum. But the County Court Judge in most cases is his own jury. His functions, too, bring him into more immediate contact with the parties,

being often more those of an arbitrator than those of a Judge. But above all, he has to have the case stated by the parties themselves. Now, to give evidence through an interpreter is an awkward business, but to make a speech or state a case through an interpreter is utterly impossible. The result is that the unfortunate Welsh suitors—who constitute by far the larger number of litigants in the Mid-Wales County Court—are compelled to choose between placing themselves at an enormous disadvantage by conducting their own cases, or engaging the services of an advocate at a cost probably disproportioned to the amount at stake—a serious tax upon poor men. The case, then, bears a far closer resemblance to the local Courts in India, or our colonial possessions, where the Judge administering justice is always required to understand the language of the district in which he holds his Court. But, be that as it may, Lord Lyndhurst, in whose time these Courts were first established, made it a *sine quâ non* that every Judge whom he appointed to a Welsh-speaking circuit, should understand the Welsh language, and Mr. Richards and Mr. Johnes, both of whom acted as Judges of what is now the Mid-Wales County Court Circuit, spoke that language with ease and fluency. I lay particular stress on the fact, for I have been accused of seeking to establish a new precedent, whereas, in fact, I am only endeavouring to follow out that which was set by Lord Lyndhurst and his successors. When, however, Mr. Johnes retired about three years ago, Lord Hatherley (then Lord Chancellor) appointed in his place, a gentleman of high legal attainments, but one who, unfortunately, did not know Welsh. I mean Serjeant Tindal Atkinson. He held the post only a short time and was succeeded by another gentleman (Mr. Homersham Cox), of whom I wish to speak with all possible respect. He is not only, I believe, a good lawyer, but a very prolific writer, having written upon a great variety of subjects, beginning with the "Differential Calculus" and ending with the "British Constitution." And I am quite willing to admit that he was qualified for his post in every respect but one—he, too, did not know Welsh. Now these two appointments following close upon each other naturally produced a

great deal of discontent in the district, and the result was, that a number of memorials, signed by several thousand persons of all classes and shades of opinion, were addressed to the Lord Chancellor, praying him to transfer Mr. Cox to some other Court and to appoint a Welshman in his place. Lord Hatherley did me the honour to address his reply to me, and that reply, together with a letter which I took the liberty of addressing to his Lordship on the subject, has been printed by Order of the House, and was delivered to hon. Members some six weeks ago. The House will see that besides adverting to the analogy between the Superior Courts and the County Courts—with which I have already dealt—he relied upon three grounds in refusing the prayer of the memorialists. First, he took his stand upon an old statute of Henry VIII., passed immediately after the incorporation of Wales with England, which required all persons holding office under the Crown “to speak and use the English language only, upon pain of forfeiting their offices.” Now, if that statute were literally enforced, I am afraid it would deprive Her Majesty of the services of some most valuable public functionaries, including those of a most eminent Equity Judge. But, as a matter of fact, that statute has been a dead letter for generations. To my own knowledge, magistrates in petty sessions and County Court Judges also, who knew Welsh, have, where the parties and the witnesses understood no other language, heard and determined cases in Welsh to the satisfaction of everybody concerned, and nobody ever thought of questioning their right to do so. But apart from that, even where proceedings are conducted in English, a Judge who knows Welsh can himself act as a check upon the interpreter; and this power is in itself often a very valuable one. But Lord Hatherley was also of opinion that —“a Judge selected for his Welsh acquirements would become subject to mistrust on the part of English litigants.” Now, if we had been asking his Lordship to appoint a Judge who did not know English, I could understand that there might have been some force in this objection. But surely Welsh litigants—who, in this district, form an immense majority of the suitors—have at least as much ground for

“mistrusting” a Judge who cannot speak Welsh as English litigants would have for “mistrusting” a Judge who could speak both Welsh and English. Besides, as a matter of fact, no English litigant ever thought of “mistrusting” Mr. Richards or Mr. Johnes, who were in some sense “selected for their Welsh attainments.” The third ground taken by Lord Hatherley was, that the existence of the two languages was in itself an evil, as it tended to keep apart two nations which ought to be connected as closely as possible. But admitting that to be so, the obvious answer is that we must take things as they are, and considering that there are at this moment 500,000 of people who speak little but Welsh, it does seem a strong thing to say that in order to drive the next generation to learn English, you have a right to subject the existing generation, who, through no fault of their own, have not learnt English, to what is practically a denial of justice. But besides that, all these attempts to stamp out a living language by such means as this, even if justifiable, are utterly futile. The attempt has been made more than once. It was made in Wales about a century ago, when the Government of the day thought that they could wean the people from their mother tongue by sending down to Wales Bishops and clergymen who spoke what was to them a foreign language. And what was the result? The people did not abandon their mother tongue, but they did abandon their mother Church; and in the end Dissent obtained a hold upon the people of Wales which has never been relaxed. Well, Sir, Lord Hatherley having very courteously, but very decidedly, refused to entertain our request, I was compelled very reluctantly, —for I need hardly say it was anything but agreeable to me to impugn, however indirectly, the conduct of a high public functionary, particularly one for whom I entertain so genuine a respect as I do for Lord Hatherley—to bring the matter before this House, which I accordingly did on the 8th of March, 1872. Upon that occasion I cited the opinions of a most able Welsh County Court Judge, and of a most experienced Welsh County Court Registrar, to the effect that no Judge who did not understand the language could possibly do justice to Welsh litigants. I also cited several cases in which miscarriages of

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of justice had arisen from the proceedings being conducted exclusively in English—one of a farmer who had travelled 20 miles to Llanidloes, in order to conduct himself a case in which he was defendant, and who not understanding a word of English, had sat in Court while his case was being disposed of as an undefended cause, and found at the end of the day that judgment had gone against him by default. Several speakers followed me, none of whom seriously opposed my Motion. Lord Aberdare, who then filled the post of Home Secretary, after expressing his own concurrence in my Motion, said—

“ In this case the Lord Chancellor had authorized him to say that he admitted the force of much which had been urged. Legal fitness would, of course, be always the first consideration; but after the representations which had been made by hon. Members connected with Wales, the Government—as also, he was sure, all future Governments—would have regard to a knowledge of Welsh. . . . He agreed with his hon. Friend (Mr. Richard) that the Welsh could only be won over by kindness, attention to their wishes, and ample provision for education. It was a mistake to suppose that the life of the Welsh language would be prolonged by insisting on County Court Judges understanding it, for the only effect of such a change as that implied in the Resolution would be to impart in the minds of the people a feeling that they were treated with a degree of justice and consideration which he was bound to say they had not hitherto received. That was what the Government were desirous of doing, and therefore he would, on their part, say they were willing to accept the Motion with the Amendment of the hon. Member for Montgomery.”—[3 *Hansard*, ccix. 1672-73.]

Eventually, my Resolution, with the slight qualification suggested by my hon. Friend the Member for Montgomery (Mr. Hanbury-Tracy) was carried without a dissentient voice. That Resolution was to the following effect:—

“ That, in the opinion of this House, it is desirable, in the interests of the due administration of justice, that the Judge of a County Court district in which the Welsh language is generally spoken should, as far as the limits of selection will allow, be able to speak and understand that language.”

Now, Sir, that Resolution was directly pointed at the Mid-Wales Circuit, and was introduced by a reference to the gentleman who held the office of Judge there. And certainly we did hope that after it had been passed, some arrangement would have been made by which Mr. Cox might have been transferred to an English speaking district, and a Welshman appointed in his place. But

although numerous vacancies have occurred, of which advantage might have been taken to carry out such an arrangement, no such changes have been made, and although I several times called attention to the subject, the Resolution has practically remained a dead letter. Do not let my right hon. Friend think that I blame the present Government for it. Since they were in office they have not had an opportunity of giving effect to my Resolution. But be that as it may, the disregard shown to it has created a deep and growing feeling of disappointment in Wales. And in order to show that that feeling is not without justification, I may refer to an incident which occurred in a case of *Jones v. Price*, tried at Bala in October last, which, in order to prevent mistakes, I have had authenticated by the written statement of the plaintiff's advocate. That statement was to the effect that a plaintiff who declared that he could speak nothing but Welsh had been nonsuited, because he refused to give his evidence in English, the Registrar having deposed that the man was to his knowledge, acquainted with the English language. Well, the explanation was this. The poor man really did not know a word of English; but his name (*Jones*) being, unfortunately, not an uncommon one in Wales, the Registrar had mistaken a namesake of the plaintiff for the plaintiff himself, and had sworn to the accomplishments of the wrong man. I am bound to say that when the mistake was discovered, the Registrar paid the plaintiff's costs, and I believe the poor man ultimately got his rights, but I think the House will agree with me that the incident was not one likely to inspire much respect for the administration of justice. I ought not to omit, too, that Mr. Cox, who, when he first came to the district expressed a strong opinion that a knowledge of Welsh might be dispensed with in a Welsh Judge, appears from a newspaper report to have lately changed his opinion on the subject. At any rate, when lately disabled by illness, he selected as his substitutes three gentlemen all of whom were distinguished lawyers and good Welsh scholars, and who gave the greatest satisfaction by their decision. Of course, I do not mean to say that there are not many others similarly qualified in both respects, and that fact

is a sufficient answer to the only argument which has been seriously urged against the proposal—namely, that its adoption would limit the area of selection, and therefore necessarily lower the standard of qualification in a Judge. But I think there is a fallacy in this, for it does not follow that because the area is limited the standard is lowered. If you have a dozen men from whom to select, every one of whom is perfectly competent, you are as little in danger of lowering the standard, as if you had a hundred, and it would be an insult to the Gentleman to whom I have referred to suggest that the appointment of any one of them would involve any lowering of the standard of qualification. I remember exactly the same argument being urged against the appointment of a Welsh speaking Bishop. It was said, that as only a small portion of the clergy spoke Welsh, you must necessarily have a worse man for a Bishop, if you selected one from that small proportion. And yet my right hon. Friend the late Prime Minister did manage to appoint a gentleman, who was not only an excellent Welsh scholar, but who in character and attainments, and, above all, in good sense and moderation, will compare with any Prelate on the Bench. Sir, I now leave the question in the hands of the House. I repeat I have brought it forward in no spirit of hostility to the Government, and I have therefore purposely abstained from concluding with any Motion. All I have to say is, that if my right hon. Friend opposite will give to the question that fair and impartial consideration which he is in the habit of bestowing on all questions, I for one shall be quite content. And he will, I feel sure, understand that I claim that consideration as due not to myself, or to my arguments, but to a Resolution of this House which so long as it remains unchallenged, no Government, however strong, can afford to disregard or despise.

MR. MORGAN LLOYD said, that the subject to which his hon. and learned Friend the Member for Denbighshire had directed the attention of the House had excited great interest in the Principality. It was an important subject, because it closely concerned the administration of justice, and on that ground it merited, in his opinion, the careful attention of the Government. It was

not a question of sentiment, of separate nationality, or even of language, but a question as to the due administration of justice. If it were not so, he should not trouble the House with a speech in favour of the Motion. It was one of the first principles in the administration of justice, which had been acted upon in all civilized countries, that every opportunity should be given to the litigant to state his case fully before the tribunal which had to decide his case. So far as the County Court Judges were concerned, it was perfectly impossible to give a full and effective hearing to the litigant, unless the Judge understood the litigant's language. There was a vast difference between the Superior Courts in Wales and the inferior Courts there as regarded the question of language. In the Superior Courts each party was represented by counsel and attorneys, and had others to speak the language for them; but in the County Courts the case was different—there the cases were mostly from the Welsh speaking parts of the country, and the sums involved were very small, not exceeding 40s. or 50s.; and it was idle to suppose that the litigant could employ counsel and attorneys in cases of that sort. He came from the mountains or the farm, was a stranger in Court, and was brought face to face with a Judge who did not understand the only language he himself could speak. It was impossible for a Judge to understand that man's case unless he could speak and understand the Welsh language. The least that could be done in a case of that nature would be to have a competent interpreter who could be relied upon. As matters stood, the thing was a mere farce. It might be said that those who did not understand the English language, or could not speak it fluently, were the exception and not the rule. They might be the exception in the course of the next 20 or 30 years, but at the present moment there were about 500,000 Welshmen who spoke nothing but the Welsh language, and to whom English was practically a foreign language. He did not mean to justify that state of things. That was an open question. The real question at the present moment was—given a state of things which did exist—what was to be done in these circumstances for the proper administration of justice? It

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was obvious that the only way of providing a satisfactory remedy was to give the Welsh people Judges who could understand them. Better have a man of inferior learning than one who, however high his other qualifications, did not understand the language of the people amongst whom he had to administer justice. Objections had been taken to the proposal under consideration. One was, that there existed a statute forbidding the use of the Welsh language in the County Courts of Wales; but at the time when that measure was passed, legislation and legislators were very different from what they were at present. It was at a time when there was passed a solemn Resolution of the House appointing a Commission to inquire into the pedigree of the reigning Monarch, and which Commission ultimately reported that His Majesty Henry VII. was the 105th in descent, by direct male line, from Brutus. That was a specimen of what was thought and done in those days. But the times had changed, and Resolutions of a more practical nature were expected from the present Parliament. He trusted that the House and the Government would give the matter its best consideration.

MR. SCOURFIELD thought that if the hon. and learned Member for Denbighshire wished that where two men had equal qualifications in all other respects, and only one of them possessed a knowledge of Welsh, the latter should be preferred for a judicial appointment in Wales, then he could agree with him; but if he meant, as one could not help suspecting he did, that the area of competition should be restricted to persons who could speak Welsh, then he thought the disadvantages of such an arrangement would more than counterbalance its advantages. During his own experience of more than a quarter of a century as a Chairman of quarter sessions, he had often had cases brought before him in which almost the whole of the evidence was given in Welsh, but he had not the slightest reason to think that there had been any failure of justice on that account, and he had never heard any complaint on the subject. There was in such cases a sworn interpreter, who gave his evidence in open Court, and whose words were watched by persons who never hesitated to correct him if he said anything that was wrong;

while the whole of the evidence was deliberately taken down, and that part of it which was interpreted was usually better reported in the Press than the rest. He might add that, although a Judge might have a good knowledge of the Welsh language, he would hardly be understood in many districts of Wales unless he were able to speak the *patois* of the locality. He recollected a case in which a Welsh Judge addressed a jury in their native language, and the observation they made was that he would have been more intelligible to them if he had spoken English. The Registrar of the County Court in the part of the country with which he (Mr. Scourfield) was connected had written to him to say that a Welsh speaking Judge would not, in his opinion, render an interpreter unnecessary; on the contrary, as many of the advocates and their clients did not speak the language, they would not be able properly to conduct their case without an interpreter, and would not be satisfied with the Judge's interpretation of the evidence. That cry about Welsh Judges for Wales was equivalent to the cry of Wales for the Welsh. They should take care it was not met by the cry of England for the English. If it were so, he was afraid the Welsh would have the worst of the bargain. While he thought that a competent lawyer who spoke the Welsh language should have the preference over one who did not, he should be sorry to see a knowledge of the Welsh language made the *sine quâ non* in the appointment to a legal office in Wales; for he hoped he might not be considered unpatriotic if he said he should prefer a right decision given in English to a wrong decision given in Welsh.

SIR EARDLEY WILMOT reminded the House that very often cases occurred in which no counsel or attorney was employed, and the Judge was called upon to exercise the multifarious functions of jury, counsel, and attorney. Hon. Members would be able to imagine the confusion likely to arise, if a Judge who was called upon to examine a Welsh farmer, or publican, was not able to understand the language he heard. In regard to interpreters, he observed that where cases had come before him and an interpreter was engaged, the first question was, who should pay the interpreter? He (Sir Eardley Wilmot) gene-

rally ordered the cost of the interpreter to be divided between the parties, but it necessarily made the cost of litigation much greater, and was therefore to be avoided if possible. He quite agreed with the hon. and learned Member for Denbighshire, that when a competent man who understood Welsh could be found it was desirable that he should be employed; but, in the absence of that competency, he thought it was desirable that the best selection possible should be made from among the members of the Bar.

MR. RICHARD, while observing that the Welsh Members were much indebted to the hon. Baronet for his remarks upon the subject, regretted that the hon. Member for Pembrokeshire (Mr. Scourfield) should have deemed it to be consistent with his duty to throw cold water on the proposal under discussion. He respected the hon. Gentleman very much, but he could not attach very great weight to his testimony in the present instance, because he resided in one of the most Anglicised counties in Wales. The hon. Gentleman seemed to think that it was necessary not only that a Judge should know Welsh, but that he should be conversant with a particular *patois*. He (Mr. Richard), however, did not share that opinion, and he undertook to say that there was no such thing as Welsh *patois*. He could understand the language spoken by any Welshman in any part of Wales, from Cardiff to Holyhead. Everybody acquainted with Wales knew that, especially in the rural districts of Carmarthenshire and Cardiganshire, and in the counties of North Wales, there were many persons who spoke the Welsh language only, or who, even if they had a smattering of English, did not know sufficient of it to enable them to state a case clearly in a Court of Law. There were at least 12 newspapers published in Welsh, and having enormous circulations, 2 quarterlies, and 12 or 14 monthlies—a fact which proved that the Welsh language still prevailed to a large extent. He stated that fact because he knew there were some Englishmen, not in that House, but outside, who thought that a man could neither be civilized nor a Christian unless he could speak English. He would remind those who imagined that by appointing Judges who only spoke English to the Bench in Wales, they could stamp out the lan-

guage, that the same experiment had been tried in the case of Bishops, and without success. When the late Government came into office, the Prime Minister sought out with great pains, for a vacant Welsh Bishopric, a clergyman who was a perfect master of the Welsh language. It was reported that another vacancy of the kind was about to occur, and he heard with regret that Her Majesty's Government was likely, in filling it up, to return to the old system. As a Welshman, he resented such a course of action as a slight upon his countrymen, amongst whom there were plenty who were competent to sit on the Episcopal Bench with efficiency and dignity; but as a Dissenter, he might rejoice over it, as nothing tended more to strengthen Non-conformity in Wales than such alien and unpopular appointments. If a competent lawyer, who knew Welsh, could not be found for a Judgeship, it would be necessary to appoint some one else; but where other qualifications were equal a knowledge of the language ought surely to decide the choice.

SIR WATKIN W. WYNN observed that there was a great difficulty in regard to interpreters, and also a great waste of time. He knew of two appointments of Welsh speaking Judges, which had given general satisfaction in the districts in which they administered justice. It was a curious fact, that on one side of the boundary the people spoke Welsh, and those on the other side English.

MR. WYNN testified, from his own experience, that the aid of an interpreter was far from adequate as a means of enabling a County Court Judge in Wales who did not know Welsh to discharge the duties of his office. If that was the case, the expediency of appointing Welsh speaking Judges in Wales was obvious. The business of the Court was much of the nature of Petty Sessions business, for it often happened that no attorney appeared in a case, and considerable skill on the part of the Judge was required in order to extract the real grievance on the one side, or the defence on the other. And when an attorney was engaged he was often able, by questioning the interpreter, to give to evidence a particular shade of meaning which the witness had not intended. Indeed, a fair estimate of the value of the evidence could not be formed if the Judge did not understand the language.

Sir Eardley Wilmot

Should the Motion of the hon. and learned Member for Denbighshire be pressed to a division, he would feel bound to vote in favour of it, for he believed that the appointment of gentlemen to the country districts in Wales as County Court Judges, with a knowledge of Welsh, would give great satisfaction, and he hoped the practice would be adopted whenever it was practicable.

MR. ASSHETON CROSS said, that although great interest was naturally taken in the subject, he did not think it necessary to prolong the discussion. He for one—and he could say the same on the part of the Government—deeply regretted the line of conduct pursued in regard to the Welsh Church, to which persons who could not speak Welsh were expressly appointed to teach the Welsh. He had lived long enough in Wales to regard Welsh as one of the most beautifully-sounding languages; but, in his opinion, although Welsh might continue to be spoken for a long time to come, the fact could not be concealed that English was rapidly spreading throughout the Principality, so much so that in the course of the next generation there would probably be no one in all Wales unable to speak English. It could not be denied that it was a great advantage to have a Judge conversant with the language of the people who came before him. With regard to the question of interpreters, the more important trials before the higher Judges of the land would probably with the aid of sworn interpreters go on very well, although the Judges did not know the language; but in smaller cases, where it was necessary for the Judge himself to sift the evidence of contending parties who had not previously been examined, the matter was very different. At the same time he believed that an able Judge, perfectly versed in law and in the system of evidence, would not rest content, although unacquainted with the language, till he had ascertained the actual truth of the case. His hon. and learned Friend when bringing this subject before the House in 1872, acknowledged that first of all due regard must be paid to the legal qualification. There was practically no difference between those who were in favour of and those who were against the Motion. As he had said, in cases of great importance, he thought that Judges not familiarly acquainted with Welsh might

be enabled to decide questions rightly, but in more minute cases the difficulty was greater. What they wanted was to appoint the best qualified men to judicial positions, and the hon. and learned Gentleman (Mr. Osborne Morgan) would hardly desire to bind the hands of the Government by an iron rule which might every now and then be found to work very hard. It must be remembered that there were parts of Wales which had become almost Anglicised—to repeat an expression which an hon. Member had used—and, therefore, what was proper in one part might be undesirable in another. This was a matter which might safely be left in the hands of the Lord Chancellor, whose duty it would be to see that the person appointed was thoroughly fit for the particular work; and, no doubt, the special qualification which was desirable in a man sent as Judge to a peculiarly Welsh part of Wales would always be borne in mind. Let the House take an analogous case—that of police magistrates—some of whom whilst well fitted for certain places, would not be qualified for the post of stipendiary magistrate in London. In making appointments in Wales he assured the House that the Government would well consider, not only legal qualifications, but special qualifications for Judgeships.

MR. WHALLEY thought the promise of the Home Secretary to give due consideration to the matter would not accomplish the object of his hon. and learned Friend, which was to give confidence to the people of Wales that their claims were fully and fairly considered, and especially to give them confidence in the administration of justice. He had formerly directed the attention of the House to the question of appointing Welsh speaking Bishops, and he thought that in the matter of Judges, as in that of Bishops, the wishes of the Welsh speaking population should be considered. He trusted the Home Secretary would give his earnest attention to the statements which had been brought before the House.

MR. HUSSEY VIVIAN said, the remarks of the Home Secretary must, on the whole, be accepted as satisfactory; but he would, at the same time, caution the right hon. Gentlemen against placing too much confidence in the "Anglicisation" of Welsh districts. His district had increased, of late years, more in

population than any district in the Kingdom, and although there had been a large immigration of English and Irish, yet the Welsh language was still the language in which the people at large thought, and to which they preferred to resort when they were called to express themselves in words. He believed it would always be desirable to appoint Welsh-speaking County Court Judges; and, as far as possible, also stipendiary magistrates in the whole of the counties of Wales, and he trusted therefore that due weight would be given to the recommendation of his hon. and learned Friend the Member for Denbighshire.

MR. HOLLAND said, he knew of a case where the proceedings were conducted in Welsh, by reason of which the business was despatched in half the time that would otherwise have been occupied. Apart from that, if the Welsh language were adopted, the people would feel that their cases had been fully gone into. He supported the Motion, and hoped its intentions would be fully carried into effect.

ARMY—PAY AND POSITION OF SERGEANTS.—OBSERVATIONS.

CAPTAIN NOLAN, in rising to call attention to the present rate of pay and the general position of Sergeants in the Army, and to move—

"That, in the opinion of this House, the position of the Sergeants in the Army is unsatisfactory, and demands the immediate attention of the Government, with a view to its improvement,"

said, the question was one of great importance to sergeants in the Army, and he wished it had fallen into abler hands to bring it under the consideration of the House. He thought it deserved that consideration, for they could not combine to bring forward their grievances, neither could they strike with a view to their relief. It was unnecessary for him to dwell upon the importance of their duties. The whole work of turning a recruit into a soldier devolved upon them, and owing to the close connection that existed between the sergeants and the Army, it was a matter of great importance that the tone set the Army by the sergeants should be kept as high as possible. The good example of the sergeants was, perhaps, of even more consequence than that of the commis-

sioned officers, as the men, generally, felt these latter to be beyond the reach of their imitation, while every private soldier could hope to become, himself, one day a sergeant. The questions of the position and pay of the sergeant and of the rank and file of the Army were almost inextricably mixed up together, and with regard to the present system of enlistment, it was a question whether the supply met the demand. He maintained that it did not. On the score of "political economy," reasoning by analogy in reference to the enlistment of the soldier and the employment of the working man, the master got the workman as cheaply as he could, but he had to give the wages current in the labour market. This necessity the military authorities strove to elude by binding the soldier to long engagements, and by anticipating the age at which soldiers were physically fit for their profession. The supply of recruits was not equal to the demand, hence, in the first place, the soldier was compelled to enter into a long engagement, and hence the State did not, and could not, get a good market article for the money they paid. In time of war they would find that it was false economy to enlist boys of 17 because they were to be had at a cheap rate, for in the case of a campaign, a large number would be found to fill the lists of the hospitals. On the other hand, what were the advantages of promotion in the Army which were supposed to induce young men to enlist? The abolition of purchase had had a very good effects as related to officers, but with respect to young men who enlisted, its advantages did not yet appear. They might, if well-behaved and moderately educated, be promoted to the rank of sergeant, or even of colour-sergeant, or sergeant-major; but, however, few commissions were obtained by men from the ranks. The case of riding masters and quartermaster commissions must be excluded, as these fell rather to men who were in special grooves of the military profession than to the general soldier, but except that about two-thirds of the cavalry adjutants had been in the ranks, it might be said that the commissions of combatant officers were practically unattainable by the private soldier. This fact was proved by the Report of Commissioners for the abolition of purchase. He did not mean to say, in reference to

Mr. Hussey Vivian

the non-commissioned officers, that there was any great jealousy at there not being a facility to their becoming commissioned officers. This, however, he might say, that it had been a feeling in the mind of the man after entering the Army, and he had often been heard to express it—"I have not been born to become an officer." They also knew that formerly there was a golden bar between them and a commission; but now that the abolition of purchase had removed the bar, they would feel aggrieved if they were not promoted, and would attribute the circumstance to the social position they occupied. Jealousies of that kind might be removed in two ways—either they might make sergeants hope to become commissioned officers, or they might make them much more comfortable in their existing position, by raising their pay and pensions. The hon. Member entered into statistics in comparative reference to the scale of pay of sergeants, and wages of artisans, and private soldiers, and labouring men. He commenced his investigation of the subject as far back as 1285, when the pay was 4*d.* a day, being the same as the wages of carpenters and master masons, and more than double those of the agricultural labourer, who received only 1½*d.* per day. In 1600 the pay of a sergeant was 1*s.* a day. In 1793 and 1795—a succession of bad years—the pay of the sergeant and private soldier was increased. In 1806 the pay of the sergeant was raised to 1*s.* 6*d.* a day, and that of the private soldier to 1*s.* a day. In 1848 "good conduct" pay was introduced, and a well-conducted private might get as much as 3*d.* a day increase; but that was an advantage that did not now reach the sergeant. Their pensions were, however, reduced within the last 15 or 16 years; and contrasting the wages of the agricultural labourers in some counties in England with the sergeants' pensions, the labourers were better off. The sergeant's pay was now 16*s.* 6*d.* a week, which was lower than that of the agricultural labourers in the North of England. In 1867 a table was drawn up to show how much better off the sergeants and privates were than before, and in the same year a comparison was made between the pay of sergeants and the wages of agricultural labourers in the North of England, showing that the wages of the labourers

were 22*s.* a week, which was a large increase over that of the sergeants. The pay of a sergeant was now what it was in 1867. By an alteration which Lord Cardwell made about six months ago, a private soldier obtained a clear addition to his allowance of at least 1*d.* a day, and the pay of a sergeant was increased nominally, but not in fact, ½*d.* a day. On the whole, he thought the pay of a sergeant was now only 1*s.* or 2*s.* a year more than it was in the year 1867. But in the interval between 1867 and the present year, there had been a considerable advance in the wages paid to agricultural labourers; and in some parts of this country the weekly pay of an agricultural labourer exceeded the weekly pay of a sergeant. He would also remind the House that the movements of soldiers from place to place involved considerable expense over and above what they received, and that sergeants, in addition, had to keep themselves better dressed than most persons in their class of life. Again, the soldier was obliged to live in garrison towns, where he had to meet greater expenses than the labourer incurred in the rural districts. The agricultural labourer, too, had many opportunities of obtaining employment for his family, while no such chance was open to the sergeant residing in barracks. That being so—and the wages of agricultural labourers in Ireland having risen 30 or 40 per cent, in England 50 per cent, and the pay of the private soldier 23 per cent, although that of the sergeant had only increased 18 per cent—he thought the House would be of opinion that he had made out a good case on his behalf, and that the House would be of opinion that the position of a most deserving body of non-commissioned officers in the Army was not satisfactory, and ought to be improved.

LORD EUSTACE CECIL thought the House would agree that the pay of the Army, whether of a general or of a private soldier, was not excessive, and everybody therefore would be anxious that this important subject should be carefully considered. The sergeants were the backbone of the British army, and consequently if there was any dissatisfaction on their part it would interfere with the discipline of the whole

Service. He had listened for a long time in vain to ascertain what the grievance was of which the hon. and gallant Gentleman complained. He did not dispute the figures which he had quoted, running from the time of Edward I. to the present, because he had no means of correcting them, as to the relative pay of sergeants and agricultural labourers, but as the disadvantages under which the former laboured had been dwelt upon, he hoped he might be allowed to refer shortly to the advantages which they enjoyed, and which an agricultural labourer did not enjoy. First of all, the pay of the sergeant had been increased in 1866 and 1867 2*d.* a day by General Peel. An additional ½*d.* had also been given him by the late Secretary for War. Now, as a mere matter of pay, he did not mean to argue that these advantages were very great; but then in comparing the position of the agricultural labourer with that of the sergeant, the indirect advantages which the latter received by belonging to a noble profession must not altogether be set aside. The comfort of the sergeant was much better provided for than it was 10 years ago. There was, for instance, a non-commissioned officers' mess, and if he happened to be married, they had, in the case of three out of four, the privilege of quarters. He would say nothing about clothes and hospital attendance, but he might remind the hon. and gallant Gentleman that a sergeant's children were educated for next to nothing. Again, there were many opportunities of obtaining employment in civil life open to a well-conducted man when he retired from the service, while a considerable number of Commissions—30 or 35—of one sort or another had been given within the last 10 years. This, however, was a question on which his right hon. Friend could not at the present moment give an absolute answer, and he did not suppose the hon. and gallant Gentleman expected one. All he could say was, that the question with many others connected with Army organization and pay, occupied the attention of his right hon. Friend, who was most willing and anxious to do justice where hardship was proved; but the question could not be decided by any mere comparison with the pay received by mechanics and labourers in the North or elsewhere, without taking into

consideration the whole circumstances of the case. This, he would say, that his right hon. Friend fully recognized the fact that the sergeants of the Army were a most important and most meritorious body, and he would add that the question having been brought forward and gone into so exhaustively he would give his very best care and consideration to it; and if anything could be done to improve the condition of the sergeant with advantage and with due justice to the service, he was quite certain his right hon. Friend would give it every attention.

MAJOR GENERAL SHUTE said, he fully concurred in what had been said by the hon. and gallant Member for Galway in regard to the absolute necessity for improving the condition of the non-commissioned officers of the Army; but at the same time he was sorry that his hon. and gallant Friend had not suggested any mode of doing so. He thought an improvement in our present system would result, and that it would facilitate recruiting, if measures were taken to induce good soldiers to remain in the Army, and thus endeavour to regain for the service those good old non-commissioned officers whom the recent changes had totally removed. The pecuniary position of the non-commissioned officers was unquestionably a bad one; and they had received a great blow when the purchase system was done away with. Formerly it was a most desirable thing for a sergeant to obtain a commission, as the sale of it was at least certain to produce him a moderate competency when he retired; whereas now it would be a misfortune if he were promoted, as he would only incur a certain amount of expense, and at the end of his service would be deprived of the ability to sell his commission. At a meeting of the United Institution, a year ago, at which Lord Derby presided, it was suggested that a number of civil appointments should be given to old non-commissioned officers, and he hoped the right hon. Gentleman would take that suggestion into his consideration.

SIR HENRY HAVELOCK said, he had listened with satisfaction to the remarks of the noble Lord when he enumerated the advantages which belonged to the position of sergeants in the Army; but he had not heard the noble Lord say anything with regard to the correspond-

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ing disadvantages which had fallen upon the sergeants by the late changes. The non-commissioned officers were really the moving springs of the whole machine, and they were the class upon whom the daily labour of the Army mainly fell. He believed there was no way in which a greater stimulus could be given to recruiting than in some degree raising the pay of the sergeants, and he thought a material improvement might be made in their position, if it were recognized that after a certain length of service, with good conduct, there were appointments in the Civil Service to which they should be considered to have a prescriptive right.

MR. GATHORNE HARDY merely wished to say, that he certainly considered it was the duty of the Secretary for War to secure that there should be good non-commissioned officers in the Army. The education and training which they received not only qualified them for rising in the service, but also made them coveted by mercantile firms and others, and they were consequently tempted to leave the Army by the higher rate of pay they would receive in civil life. It was very desirable that the services of these meritorious men should be retained for the service of the Army, and he could assure hon. Members that his attention was fully directed to the subject.

INDIA—THE NAWAB NAZIM OF BENGAL.

MOTION FOR A SELECT COMMITTEE.

MR. TORRENS: Mr. Speaker—I have undertaken to ask the attention of this House to the complaint of the lineal heir and recognized successor of the most confiding and most useful ally we ever had in India, who is now a suppliant for justice at your Bar. And what is the plaint of the unhappy Prince, who, against his will, is compelled to sojourn afar from home and country, to the detriment of his family and affairs? He fears, and with too much cause, that designs are harboured to disinherit his sons at his death, and to deprive them of advantages they have hitherto been taught to regard as indefeasibly theirs. The evidence of such a purpose I shall lay before you, not with the fullness of detail with which it would be brought before a Committee,

but with sufficient palpability of outline to satisfy the least credulous that his complaint is not without reason. I am authorized to state distinctly that from Parliament or from the Executive he asks neither favour nor indulgence; all he asks is what he can prove to a Committee of this House to be his own. All he wants is justice—fidelity to engagements—the same fair play which, if this House were sitting as a Court of Equity, it would decree between man and man. It is not his fault if he has to come to Parliament, because this is the only Court in the Realm to whose jurisdiction the Executive cannot plead in Bar. I wish with all my heart, as I have on former occasions stated in this House, that Parliament would constitute a suitable tribunal from selected Members of the two Houses, with a Judge of the highest class as Assessor, to whom might be referred questions of political jurisprudence between the Crown and those Princes and dependencies whose interests sometimes clash with the views of the Secretary of State. Until such, or some such, provision is made, no alternative is left, in cases of this kind, but an appeal to the justice and wisdom of Parliament not to allow a great wrong to remain unredressed. I say a great wrong, because after long consideration, and the devotion of much care and reflection to the subject, I do not hesitate to say that I can satisfy any impartial mind that Syud Ali, now in this country, is entitled to the fulfilment of the Treaties made with his ancestors, and confirmed to him in the name of Her Majesty; and further that, if all those Treaties were put into the fire and not a vestige of them remained, it would be inconsistent with the duty, the fame, and the honour of this House, after confirming to his family, rank, dignity, and income for 100 years, that any Minister from this side of the House or the other should contemplate disfranchising them as if they had no pretensions to princely rank and heritage. I ask the House to take nothing from me for granted; but I will give them authorities which nobody of either party will gainsay. Little more than a century ago, as venturous traders in the East, we were but too glad of leave from the Princes of India to dwell in peace, to buy and sell, to rent land and build factories, and to arm sufficient followers for

watch and ward, especially so to the Nazim of Bengal for the countenance and protection he afforded us. Lord Macaulay, whose name is still familiarly cherished in this House, not merely as a statesman, but as an author of imperishable history, whose name is identified with the English language of the 19th century, has left on record that at this period Bengal was ruled by one of "those great Mussulman Houses" who "had as many subjects as the King of France or the Emperor of Germany." That is said of a family whom we have heard described as no Princes at all. What was their rank, and whence their authority? Hear Lord Macaulay again.

"Though," he says, "they might still acknowledge in words the superiority of the House of Tamerlane, yet in truth they were no longer lieutenants removable at pleasure, but independent hereditary Princes."

Political power and function in Bengal we then had none; but in the words of Lord Brougham, spoken in the great suit brought by the Mayor of Lyons against the East India Company—

"Their territorial settlement was effected by leave of a regularly established Government, invested with the right of Sovereignty. Calcutta and the lands adjoining were held under it by the Company as tenants rendering rent, and afterwards as officers exercising by delegation part of its authority;" namely, the "Receiver-ship of taxes, in Bengal, Behar, and Orissa."

Sir, it is only necessary for me to add to this the testimony of history, that when the great founder of this House, Aliverdy Khan, died in 1756, his foolish son, like James II. in this country, became unbearable as a tyrant, and his nobles and officers combined against him and sought foreign aid to emancipate themselves from the yoke they could no longer bear. The pioneer Company, who, under Clive, furnished a contingent to aid this domestic revolution, were paid for their services, partly in money, and partly in land; and the chartered Company, whose executors and heirs we are, were glad to accept jaghires or freeholds, and zemindaries or leaseholds from Meer Jaffier, the progenitor and predecessor in the male line direct of the present Nawab of Bengal. And yet there are those who would have us now believe, and act on the belief, that the dynasty with whom we were glad to bargain, from whom we were glad to take lands in chief, and to whom we were glad to hire our bayonets,

had never at any time claim to princely rank or any pretension to independent power. From 1757 to 1770, five separate treaties, agreements, capitulations—what you will—were made with these Princes, who having the power of life and death, and the right of peace and war, we thus acknowledged and treated as the Sovereigns of Bengal. By the first Treaty in 1757, signed by Clive, Vansittart, and others of the Company's Council, we stipulated for £2,500,000, the Zemindary of Culpee, subject to the land tax, and the effects and factories of the French. In return, we covenanted to aid the revolt which overthrew Suraja Dowla at the Battle of Plassey, and made Meer Jaffier, Soubadar. By a second Treaty in 1763, we covenanted to maintain a body of troops to be at the service of the Nawab Nazim, in consideration of three jaghires or grants in fee-farm of Birdwan, Midnapore, and Chittagong, and exemption from all excise duties. Now, will anyone have the goodness to tell me how sharp practitioners like Vansittart, Carnac, and Warren Hastings, came to sign a deed with a Prince who was not a Prince; to take grants of the soil in fee from one who was not lord of the soil; to accept exemptions from inland tolls and taxes throughout a territory as large as France, from somebody who after all was nobody in particular; and to engage for so many British troops as escort to a country gentleman when he went out tiger shooting? But there is something more curious still in the second Treaty, which now we are told was not a Treaty—only a Christian cheat to amuse Mahomedans. We read—not between the lines, but plainly and roundly writ—this curious clause on the part of Meer Jaffier—

"Wherever I shall fix my Court, an English gentleman shall reside to transact all affairs between me and the Company; and a person shall also reside on my part at Calcutta to negotiate with the Governor and Council."

And who was sent as our Envoy, to feel his way to further acquisitions, and to negotiate new engagements? Why, no other than the aspiring, subtle, and insatiable Warren Hastings, who, at Moorshedabad fashioned the master-key by which he afterwards unlocked so many cabinets and treasuries. The third Treaty was made on the accession of Meer Jaffier's son in 1765, ratifying and confirming all that the former con-

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tained, and extending its provisions somewhat further. The Company engaged to keep up a subsidiary force for the defence of his Provinces against external enemies, and thus relieve the Nawab from the charge of all but those "necessary for the dignity of his person and Government." In this way began the armed ascendancy of the Company in Bengal. This is our third title-deed, and having netted the golden fruit that came of it, do you seriously believe that Europe, that America, that your own children will believe you when you say that that fruit grew on the points of fixed bayonets, that you won Bengal, Behar, and Orissa by fight in the open field, and that you have a right to treat it as the spoil of conquest, and the sons of its Princes as captives and dependents on your grace and favour? I say that as a matter of fact the allegation is untrue, and that Parliament ought once and for all, for the sake of its own character and honour, to silence the misrepresentation. I shall not stop to argue hypothetics, or debate what the Company might have done had they invaded Bengal as they afterwards invaded Rohilcund. They preferred the way of diplomatic acquisition. They trafficked with successive Nawabs, and, step by step, won peaceably their way, never firing a shot in anger, but bargaining for each jaghire and pergunnah—each privilege and each function; and now, having got all they desired, I say it would be unutterably base, contemptible, and infatuated, to higgeloo or to huckster about the price which they agreed to pay. In the same year—1765—there was a fourth Convention, memorable in its way. By this the Company obtained the office of Dewan, or Farmers General of the taxes in Bengal; the conditions of the grant being that they should become security for the more punctual payment of the tribute to the Mogul, and that a suitable Civil List of £530,000 a-year should be paid to the Nawab. After disbursement of these two charges, "whatsoever might remain," was to be their own, to assist in defraying the cost of the troops they had covenanted in the previous Treaty to organize. On the succession by inheritance of another son, a fourth Treaty was made, embodying all that had gone before, but reducing a portion of the charge for Nizamut expenses. It is nothing to the purpose to

say now—What fools the Nazim and his Ministers were to cut down their guards on the plea of economy! History will say of England at this period—What fools your King and Cabinet were at that very hour! With all your boasted enlightenment, classical learning, freedom of the Press, and Parliamentary rhetoric, what were you about? Why, nothing less than elaborately cutting adrift an Empire a thousand times more valuable than Hindostan, and with idiotic ingenuity contriving to charge yourselves £110,000,000 for the operation. Why, the Moslem Prince at Moorshedabad was acting like a philosopher, compared with His Majesty of England; and Mahomed Reza Khan, the Finance Minister, who counselled the transfer of the Dewanny, was a frugal and successful financier compared with George Grenville, who invented the Stamp Act for America, or Lord North, who would enforce the duty on tea. Here, then, we have four Treaties and a Convention, framed in European fashion, and consecutively executed by the Company on one side, and by Meer Jaffier and his two sons, who succeeded him, on the other, in which the diplomatic parity of the contracting parties is never so much as questioned, and the precision and completeness of whose provisions is as caviil-proof as if the ratifications had been exchanged at Vienna. And yet we are told that they were not Treaties at all; or, if Treaties, merely personal, and binding the Company only during the life or reign of each Nazim, although, by the nature of their conditions, they bound the country of the Nazim, and, of necessity, whoever might come after him, irredeemably and permanently. The distinction between real and personal Treaties is an elementary one in all works of authority on International Law. From Grotius to Wheaton, the greatest of modern jurists, the fundamental distinction is broadly traced. Differences of opinion, on points of less importance, there are among these authorities; but upon this point there is no difference. The tests universally and uniformly recognized by all of them are simple and obvious. If a Treaty is made for personal benefit only—that is, for the benefit of a Sovereign or his family—it is personal, and not real. If it is made, or professes to be made, for the benefit of the country or the community, it is real, and not

personal—that is to say, terminable only by mutual consent or war. There are cases, of course, where the benefits on one side are personal, and the benefits on the other side are real, and then the interpretation of common sense and common equity, admitting of no serious question, is, that the obligation follows the nature of the benefit, and imparts its own character of reality to the whole. What is the case before us? Relying on a guarantee of dignity and income for themselves and their family, three successive Sovereigns of Bengal agreed to enfee the Company with lands, and to appoint them to great posts of Administrative trust. But they recite expressly, as the joint inducement to the adoption of this policy, their perfect confidence that the engagements thus entered into would be for their own honour and the “good of their country.” There is no question here of severance, for there has never been a blow struck in anger; and as for mutual renunciation, that is ridiculous. It does not lie in the mouths of us, who are the heirs and successors of the Company who made these Treaties, to say that we will not hold to them. From generation to generation the Company, by themselves and their dependents, their apologists and their chroniclers, never ceased to chant thanksgivings for the transfer of power thus begun from Native to European hands. We are always assured that it was for the spread of commerce, civilization, and Christianity, that these triumphs of astute diplomacy were made. Well, but if so, the recitals of 1766, about the “good of the country” were true as well as binding on the parties to the contract; and, if true and binding then, they are so now as much as on the day they were written. Thus these engagements are plainly and palpably real, and not personal Treaties. In point of fact, what was done in Bengal at this period is acknowledged on all hands to have been the foundation of the gigantic structure of empire reared by the Company. It did not suit their purpose to unsettle the foundation while the business of building was going on. Accordingly, they never said a word casting doubt on these fundamental compacts—they kept them ostensibly, nay, ostentatiously, to the end. Disputes there were, in the course of years, regarding the application of the stipend thus guaranteed;

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but, as Clive had said—“Let it be remembered there is always a Soubah,” or native form of government; and for 80 years the Company never proposed to set aside the Soubadar, or to withhold from him the means of maintaining befittingly his inheritance. But there is another test of real or perpetual Treaties which all publicists of reputation recognize. Grotius says—

“If it be added to the Treaty that it shall stand for ever, it will from hence appear that the Treaty is real.”

Von Martens and Wheaton say the same. In all the four Treaties I have cited, it may be frankly owned there are not the words which, in a technical sense, are held to make a compact perpetual—that is, the expression that it shall be “inviolable always.” And, to my astonishment, I have found that a remarkable document, issued by the India Office not very long ago, in referring to these Treaties, has not only pointed out the omission of these words from the four Treaties first made, but has committed the strange blunder of saying that the fifth and last Treaty in which all the relations of England with Bengal were finally settled in 1770 was identical in terms with the previous four, and, therefore, in no sense more binding. This Treaty of 1770 was made with the fourth Prince of the dynasty. It confirms all that had gone before, solidifies the whole, and then baptizes it with a blessing. Now, I assert, and challenge contradiction or dispute, that if that final Treaty was made, not for a time, but for ever, by Mr. Cartier, then Governor of Bengal, and his Council, in the name of the King, it will be still subsisting, and cannot be made away with. Now, Sir, here is the document—the original Treaty—signed, sealed, and delivered in the year 1770. Here is the broad seal of the Mussulman Prince, and here are the signatures of the Christian statesmen, the chartered merchants—there they are for anyone to look at, and they are appended to these concluding words—“This agreement, by the blessing of God, shall be inviolably observed for ever.” Now, I ask any honourable man what was meant by those words? Has anyone the face to say they were all badinage or blasphemy, or to say that we are now to act the menial part of political scavengers, to sweep up and hide away dead rogues?

What a function that would be for a great Government to perform! Sir, I hope that while I have had the honour of a seat in this House, no man has heard from my lips anything that could be mistaken for profanity; but this is a topic with which it is hard to deal without liability to be misunderstood in that respect. This Treaty, the foundation of this petitioner's rights, is sealed and signed under "the blessing of God." Some future critic exegetically may ask, What God can here be meant? Not Mars, for there was no fighting between the parties—not a blow was struck at any time. Not Mercury, for he was the god of thieves. My private opinion is that it was Plutus. Mammon was uppermost in the thoughts of the contracting parties. Well, then, to Mammon let us go; and I say that when the millions upon millions of revenue levied since then from Bengal, Behar, and Orissa, subject only to the rent of 16 lacs to its former Sovereigns are taken into consideration, no judge in Mammon's Courts would rule in favour of the stronger party. For my part I do not believe that the Company, Directors, Generals, or Agents meant either subterfuge or trick. I believe they thought they were making an excellent bargain when they agreed for ever to pay the occupant of the Musnud a yearly rent charge; and the best proof that they meant it is that they paid it uninterruptedly for 100 years, and that it is payable still. Upon a special pleaders' quibble, unsustainable as I believe in point of law, the five Treaties under which our ascendancy in Bengal was secured, confirmed and ratified, are now said to have been personal only; but the common doctrines of equity override, by the inferences from fact, all hypercritical distinctions of form. Taking them only as documentary evidence of an old subsisting agreement freely entered into in the face of day for public objects, they are conclusive of the case. The logic of mutual liability is irrefutable. The Native Princes of the House of Aliverty Khan bound themselves in various acts to the Company, which every one of them confessedly performed; and nothing under Heaven can release the power that made with them these Treaties, or the power that has bound itself to stand in the shoes of the Company, in all respects from keeping and

observing the spirit, if not the letter of the bond. I do not stop to ask whether the letter has always been observed. In the pranks of statesmen, like those of boys, it is frequently agreed that "cheating shall be in;" and if it were worth while I think I could show not a few overreachings in the lapse of time. But I am not here to make a petty-fogging case, or to cast odium on the grave of the Company. I am not here to go into old reckonings, or to ask this House to appoint a Committee to go into past accounts. I demand nothing but security for the future against forfeiture and defeasance. I claim only on behalf of the descendant of your first great territorial ally in the East—an ally with whom you have never had a quarrel, a contest, or a suit—the scant and bare justice of guaranteed rank and guaranteed income; and I say that were it possible to burn the five Treaties, counterparts and all, or to forge five red Treaties framed on the memorable model furnished by Olive instead of them, you would still be bound by uninterrupted use to keep in substance the bargain they embody—bound by policy in the face of disaffected Asia, bound by self-respect in the face of Europe, bound by every sense of shame in the face of nations, bound by every sense of justice in the sight of Heaven. But it may be asked, why have there been no more Treaties of recognition and confirmation? The answer is clear, and weighty with meaning. Because the engagements having been summed up and settled in this Convention of 1770, there was nothing more to debate about; and because at each new accession the rights, dignities, and advantages of the family were duly, promptly, and unreservedly recognized by the Anglo-Indian Government. Because every Governor-General, from Warren Hastings to Canning, including Cornwallis, Minto, Wellesley, and Auckland—every man, in short, whose name is associated with the acquisition of our Empire in India—every one of these great functionaries on taking office intimated either in writing or otherwise to the Nawab of Bengal that he recognized his state and dignity, that it should be his object to maintain amity and intimacy with him, and that nothing should be done during his vice-royalty contrary to the honour and the maintenance of the Nawab's rank and state.

All this time, too, they were authorizing the payment of £160,000 a-year to this Prince, who we are now told was no Prince, nobody in particular, only the descendant of an officer of a bygone Government, whom we were not bound to, after the period of our magnanimous grace and bounty had expired. If anyone doubts my assertion, here are the collected letters of these noblemen and Viceroys. Let any man read them and refute them if he can. Let him dispute their authenticity if he dare. Let any man dispute the inference I draw from them, which is, that there was a continuous stream of acknowledgment from the time you got the country at a rent-charge from the Princes of Bengal in 1770 until the present day; that you continued to pay and still continue paying that money, and that the design harboured to determine that payment upon the expiration of the life of the present incumbent is wholly inconsistent with policy, good faith, and fair dealing. But, Sir, I should be very sorry to rely upon general statements; you would like me to give particulars and you shall have them. There was once a man—I much mistake, Sir, if his image is effaced from your early memory, it is certainly not from mine—whom I saw in his old age sitting on yonder bench as Member for the town of Glasgow. I refer to one of the best and most courageous of men, a noble by birth, a soldier by profession, a statesman by experience—Lord William Bentinck—who governed India for seven years without shedding a drop of blood, and who left that country followed by the regrets of all creeds and classes. He had for his Secretary in Council a man entitled also to great honour for services rendered in civil departments of the State—Sir Charles Trevelyan. In 1834, some zealous suttler of the camp of conquest sought to degrade the Nazim by making him amenable to legal process, when Lord William Bentinck instructed the Advocate General, through his Secretary, to resist by every lawful means the attempt to harass the Nawab by civil suits—

“By the Treaty of 1770 annexed,” he said, “His Highness the Nawab has been recognized by the British Government as an independent Prince; and”—

mark these significant words—

“the national faith is pledged for nothing being proposed or carried into execution, derogating from his honour. If the liability of the

Nazim were to be admitted, there is no degree of indignity which might not be inflicted upon him in contravention of the pledged national faith, and of that respect which is obviously due to the representative of our oldest ally on this side of India. The case of Raja Hurraneath Rae does not appear to his Honour in Council to bear any analogy to the present. Raja Hurraneath Rae was a subject of this Government from whose gift he derived his title: while the Nawab Nazim is a Prince whose independence has been recognised by a Treaty with one of his predecessors.”

This was more than 60 years after the Treaty had been signed, four devolutions of inheritance having taken place in the interval. May I ask, what is the meaning of public faith and public law, if all this can be set aside at the selfish will of one party to engagements so solemn, so mutually beneficial, and the intent of the parties to which is so confirmed by assent and consent, by public documents and by public payments to heirs and successors during the period ordinarily assigned for the life of man? What is to be held sacred or binding if user like this can be set at naught? With all freehold property any contest of title is barred after unquestioned possession during 60 years, and a Bill is actually before Parliament bettering the claim by user still more, and giving indefeasibility of possession after 40 years. A squatter on a common; a usurer who has reduced his mortgage to possession; the bastard's son who has contrived to keep the manor house, and to let the land without disturbance or contention three-score years, cannot be ousted by the rightful heir, too late awaking to the claim on which he has slumbered; and yet it is proposed to set aside the unimpeachable title and undisturbed possession of more than a century in the case of a man who has never been so much as suspected—or any of his race—of political infidelity to British interests, or to any of the engagements to which his fathers bound themselves and him. I have recited one refutation of the unworthy plea of the unreality of these Treaties from the lips of the Company's highest officers 60 years after they are now said to have expired, and to my mind this one emphatic avowal is sufficient of itself to destroy that plea. But the tale of testimony does not end in 1834. In a despatch of 14th November, 1838, the Court of Directors in Leadenhall Street

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forbade the support of a collateral branch of Meer Jaffier's family, being made a charge on the Nawab's income, because they said that support was—

"Anterior in its origin to the Treaty which settled 16 lacs of Rupees per annum on the Nizamut, and could not therefore after a contrary understanding had been so long acted on be made a charge on those 16 lacs."

Still later in April, 1840, they rebuked the assumption of a zealous subordinate at Calcutta, who proposed to pay for municipal improvements at Moorshe-dabad, out of the Nizamut Trust Fund, with this explicit declaration—

"The Deposit Fund is not public money, but part of the assignment by Treaty of the family, of which part is allowed to accumulate for its general benefit."

Furthermore, in the devolution of heirship, whenever a Prince of this House succeeded his father or his uncle, as the case might be, a Proclamation was issued at Calcutta, publicly announcing the fact. Thus on the 19th December, 1838, a Proclamation was issued by order of Lord Auckland, informing the

"Allies of the British Crown and all friendly Powers of the death of the late Nawab," and the "succession to the hereditary honours and dignities of the Nizamut and Subadarry of Bengal, Behar, and Orissa, of his son Syud Munsoor Ullee."

A pendant to the Proclamation is a garrison order that a salute should be fired of 19 guns and three rounds of musketry. Are these announcements and concussions of the air usual on the death or accession of a private citizen, of an officer of state, or even of a Prince of the Blood? I have certainly no particular love for salvos of artillery, and I should be sorry to be cross-examined on the moral value of blank shot; but if you think it necessary to testify your respect for Her Majesty the Queen by 21 guns on her birthday, be good enough to explain what you mean by 19 guns, to say nothing of the musketry on the accession of a man who is now alleged to be no Prince, but a dependent whom you have a right to despoil at pleasure. It may be said these are mere unmeaning ceremonials; but are you prepared to open up the discussion of the value of political symbols, or can you afford in the East of all places in the world capriciously and suddenly to turn Jacobin or quaker in your mode of carrying on government? I have the

misfortune to be short-sighted, but I think I see something on that Table wrought and embossed with images, and all of gold, the precise use of which I do not think I ever heard. We know who would have said—"Why should not this bauble be sold, and the produce given to the poor?" But you will not quote him as an authority; and yet no power on earth could get you, Sir, to leave that Chair, until the noble Lord, who is the armed guardian of order in this House, takes a walk up the floor and back again to remove that bauble from the gilt spurs on which it rests, and put it down on the little shelf which I believe to be an essential part of the British Constitution. For my part, I have no objection to see our grand old mace maintained, believing, as I do, that symbolism is the natural and legitimate way of appealing to the historic faith of the people in our great and ancient institutions; and I think, that while we value symbolism as expressing our constitutional feeling, we cannot tell those whom we have contrived to over-reach or overcome, and whom we now seek to over-awe, that when their interests are concerned we regard these formalities as meaningless and vain. Relying on these Treaties, these acknowledgments, these reiterations of good faith, for 15 years the present Nawab dwelt in peace. How should he mistrust pledges and assurances so cumulative? But in 1853 that infatuated policy of aggression on, and absorption of, Native States, seems to have become fixed in the mind of Lord Dalhousie. In the words of Sir George Clerk, when courageously dissenting in Council from a course he could not control, Lord Dalhousie "led off with that flagrant instance of bare-faced appropriation," in the annexation of Sattara. This was followed, at brief intervals, with similar confiscations of Nagpore, Kerowli, Jhansi, Arcot, and Mysore—in some of which the Native families were disinherited, the furniture of their palaces and the jewels of their women sold by auction, and their territories annexed to those of the paramount power. The Viceroy cast his eyes on Moorshe-dabad; and wrote an elaborate Minute, in which he declared that the Nawab had no right or title whatever to any allowance by Treaty or compact; that the old Treaties were purely personal; and that the 16 lacs a-year had been

all along paid only by the free grace and favour of the British Government. He then suggested that, on the death of the present Prince, the Government should not be bound to the existing payments. State secrets, as we know, have a wonderful power of escape, and this unexpected danger soon became known at Moorshedabad, and remonstrances, in the shape of memorials, were addressed by the Nawab to the Governor General, but without extorting any reply. On Lord Canning's appointment these expostulations were renewed, and a memorial was forwarded to the Court of Directors. Then came the Mutiny, with its terrors and its horrors; and there was a time when every Native Chief or Prince was viewed with distrust, and when no man could say what aggravation of our difficulties a wavering allegiance might entail. But the Petitioner at your Bar is, on all hands, admitted to have never wavered in his fidelity. When things were at the worst, spontaneously he sent to Government a timely contribution of elephants for draught use, and employed his guards to prevent incipient tendencies to disturbance. For this he had no lack of acknowledgments at the time; and when the storm had subsided, and Lord Canning sought to point the moral of the fearful outbreak of popular hate and princely disaffection excited by the Dalhousie policy, he put on record, in 1860, words of rebuke, protest, and warning that, except by madmen, will never be forgotten. With the moral courage worthy of his father's son, Lord Canning did not hesitate to renounce and denounce the infatuated course of expropriation and forfeiture, which had spread fear and misgiving through the whole of Hindostan. In his celebrated despatch of the 30th April, 1860, he warned the Home Government that—

"Our supremacy will never be heartily accepted and respected so long as we leave ourselves open to the doubts which are now felt, and which our uncertain policy has justified, as to our ultimate intentions towards Native chiefs."

Lord Canning, indeed, was mindful that it was he who had promulgated, in 1858, Her Majesty's first Proclamation as Queen of India, which contained the memorable pledge that—

"All Treaties and engagements made by the Company with Native Princes would be scrupulously maintained, and that She would respect

the rights, dignity, and honour of Native Princes as her own."

All Treaties and engagements! What do these words mean? Surely not a flourish, a fanfaron, a quibble, or a cheat. Loyalty, policy, decency forbid the thought that anything open to imputation of the kind should have been placed by the Cabinet Minister for India in the mouth of the Queen. And why? Because the Queen is that Sovereign of all her race who has written her name indelibly in the history of the nation as the faithful Priestess of truth, and because the Minister was the present Earl of Derby. He is not a man to palter with great words of State, and I call upon his Colleagues to stand by his words, and to make them good. It is the duty of the Chancellor, in matters doubtful, to keep the conscience of the Queen, but it is the duty of Parliament, by the interpretation, application, and vindication of Treaties and of laws to keep the word of the Queen. Here is Her Royal word to the Princes of India, uttered while the smoke of civil war and the groans of civil carnage still filled the air; uttered in redemption of the promise given to Parliament that if the government of India were given over to the Crown, that government should be conducted in loyal observance of those compacts, bargains, engagements, and Treaties by which we first gained footing, then gained power, and ultimately gained ascendancy in Southern Asia. But what are engagements, if those recognized by letters, Proclamations, accredited Envoys, and salvoes of artillery do not warrant the appellation; and what are Native chieftainries, if one transmitted from sire to son through 10 successive holders of the dignity, without interruption, without question, without pretence of failure in fidelity and loyalty, does not constitute such a position? Did Lord Canning doubt them when he wrote to Syud Munsoor Ali, the petitioner for your justice, telling him he might rely that the—

"Just regard to the honours and dignities due to his hereditary rank, guaranteed by the stipulations of subsisting Treaties, and long established relations observed by former Governors General, would on his part be fervently fostered and punctually fulfilled."

Though warned of his danger by what took place under Lord Dalhousie, Syud Ali could not persuade himself to be-

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lieve that the peril which had overtaken other princely houses hovered over his own. His expostulations drew forth no reply, and when he visited Calcutta in 1859, though received with all the usual marks of ceremonial which have since been continued at the Court of Her Majesty, he was told that the Viceroy could not enter into discussions with him during a personal interview. Still his misgivings slept. At last a reply to his remonstrances against these indications of an altered policy was received at Calcutta. In this despatch, written by one who was long a Member of this House, and who occupies a considerable position in public life in England, the Treaties are declared to be no longer binding, upon the ground that they were each and all of a personal character. I have already alluded to the circumstance, which would be comical if it were not deplorable, that when quoting these Treaties in argument, Lord Halifax omits the words in the Treaty of 1770, "inviolably observed for ever," and then coolly says its language was the same as the others, which did not contain these words. The unhappy Prince might well be startled at the levity and the licence with which established rights were thus treated. The obligations derived from long continued usage were, however, generally admitted in this remarkable document, and unpleasant though its contents inferentially were, they were so wrapped up in smooth and conciliatory language as not to excite alarm or resentment in the mind of the Nawab. But here, too, a secret existed; and information soon reached the Prince that the despatch had been mutilated in transmission, and that the part which, more than all it concerned him to know, had been excised at Fort William. The original despatch consisted of some 18 or 20 clauses, and paragraph 12 suggested that the future position of the Nawab's sons should be fixed and defined with as little delay as possible; that they should, in fact, be made to understand that they were to earn their bread, instead of relying on any share of patrimony in the future; and there were certain philosophic common-places about young men having suitable avocations instead of being brought up in the pursuit of pleasure. The paragraph, in short, was such a one as the members of the Committee of Public Safety in

1793 might have indulged in when binding the son of Louis XVI. to a working trade. What the avocations were which the descendants of Aliverdy Khan were to be indentured to does not appear; but of the sinister meaning of the recommendation there could be no doubt. Paragraph 12 was left out of the copy sent to Moorshedabad, and the others renumbered to hide the omission. ["Shame!"] Was that done, I ask, in the name or under the blessing of God, for the honour of the Queen? No choice was left the Nawab but to appeal unto Cæsar, to come to this country—to the seat of power—and to lay his case before Her Majesty, before you, Sir, and the Parliament of this Realm. Here he learned that the advisers of the Crown must answer to that Parliament not only for their acts, but for their avowed intentions. The despatch of 1864 was moved for by Mr. Bagwell in 1870, and the Minute of Lord Dalhousie by another hon. Member. Both were produced, and the whole scheme was laid bare. A further despatch was likewise produced, in which I regret to say Lord Mayo acquiesced in the policy which he had reason to suppose his predecessors had determined on. But no acquiescence by him or any other official, however high and reputable, can exonerate this House from judging for itself whether the thing be right or wrong, the policy sound or unsound, the obligations invoked binding or not binding. It is said, Sir, as a last excuse for the breach of agreement and threatened withdrawal of half the Nawab's income, that the Indian Exchequer cannot afford it; and it is plausibly asked—Shall we tax the impoverished ryots for funds wherewith to enable one historic family to live in luxury? We have frequently had a deficit in the finance accounts for the year, and though things look better just now, we have nothing to spare, and we may have a deficit again. Which shall we choose—exaction from the community, or extortion from a mediatized Prince? The question, *mutato nomine*, is that which Robert Macaire puts in the play. Deliberating as to the course to be taken in a pecuniary strait, he says—"Now what's to be done, or rather who's to be done; somebody must, that's evident." But, seriously, this is the language and this is the thought which every day is reprobated in the Insolvent Court, and

in the Court of Chancery. If it be true, which I wholly deny, that India cannot be governed so as to pay 20s. in the pound, the obvious and just—nay, obviously the only just course to be taken is to pay all who have claims, 18s. or 19s. in the pound; but not by unrighteous preference to pay any of them in full, and fleece the few of all. We know how our Judges designate preferential payments of this kind, and the case before us will be precisely one of them, if you permit it to be so. You have full notice of what is intended; there is yet time to interpose. If you have doubts regarding details, appoint a Committee to winnow the facts, and report the fruits of inquiry to you. About the principle there is, I submit, no room for doubt. Will it be said that since the Government was taken over in the name of the Crown, frugality has kept expenditure at the lowest possible point, and that whatever comes, you must pay the interest on £117,000,000 of debt, the cost of the Army, and the charge for civil administration? These are very fine phrases; but what do they really mean? That you may put up the expenditure—Civil and Military—to any unassigned figure, and then turn round on your old contract creditors, and say—"You see we have not enough for you." Why, this was the logic of the Cabal when they shut the Exchequer in Charles II.'s time, and this is the transparent pretence of every prodigal executive in Christendom and Heathendom. But justification in this case there is none. While the prudent rule of the old Company lasted, the total expenditure did not exceed £30,000,000 a-year. To glut the insatiable greed of centralized patronage and power, you swept the Company's Government away, pretending that you would be able to do it cheaper. Have you done so? Have you nearly done so? Have you done so at all? You pulled down the old pent-house pile in Leadenhall Street, and sold the materials and site, and the old Board of Control in Cannon Row has been converted into a school for competitive examination. But the Secretary of State for India has had a Palace in the Park put up for him, at a cost of nearly £1,000,000 sterling, and filled with a whole hierarchy of right honourable and honourable, gentle and simple, inventive and idle hangers-on, whom the Ins and the Outs

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alternately add to as suits their pleasure. I have a good many friends on both sides of the House, and I am quite impartial. I have watched the proceedings of the two great parties that mutually relieve guard as Governors of England, and I am bound to say that I never was yet able to make out which of the two had the neater hand or the readier knack of jobbing. But of all the jobs that, in my time, have ever been perpetrated, the most costly and uncompensated has been that of superseding the wise and frugal government of India by merchants, and substituting a government by noblemen and gentlemen having no previous knowledge of the wants of that vast dependency; supported by a myrmidon host of paid officials—soldiers, lawyers, and men about town—through all the degrees and declensions of capricious patronage. What has it cost? Putting quite out of sight the exceptional outlay during the Mutiny, and the years that followed it, and putting aside the increased expenditure, wasteful and profitless as it is thought by many to have been, on military railways, the charge for governing India has been permanently increased of late years by nearly £17,000,000. But if you have money enough, notwithstanding your fear of a deficit to add, and to go on adding to the crowd of English officials, civil and military, who are to be paid out of land tax and salt tax, tax upon imports and tax upon exports, profits on the administration of justice and profits on the cultivation of poison; if from all these sources you have enough, notwithstanding the yearly recurring fear of a deficit, to provide handsomely for an ever extending host of English officials; with what face can you gravely affect to say, that you cannot afford to go on paying the quit rent at which you obtained peaceful possession of Behar, Orissa, and Bengal? Read the Correspondence of the last two years, not between political rivals, but between Colleagues in the late Cabinet (the Duke of Argyll and Lord Cardwell), about the charges on the Indian Exchequer for the costs of recruiting and depôts, and what not in England, and see what the Secretary for India avers as to the scandalous way in which Army Estimates are cut down for the House of Commons by throwing the charge on Indian taxation, on the unrepresented millions

whose poverty is to be made the excuse when convenient for not paying your covenanted and customary debts. Or look at the Correspondence between a Tory Governor General and a Whig Secretary of State concerning the number of troops maintained in time of peace. The Duke of Argyll began his administration by declaring that great reductions were indispensable, and Lord Mayo responded by saying he would make them if he were supported from home. But after two years of scheme and counter-scheme, plan and anti-plan, reciprocally found fault with by the wise men of the East and the wise men of the West, the Correspondence ends with regrets that so little was likely to be done, and that the Secretary of State has no further instructions to give on the subject. Well, but in face of such facts as these, is it to be endured that the Government of 200,000,000 of people and 1,500,000 square miles of territory should seriously contemplate the confiscation of half the means of a family, who, for generations have never given them cause for an hour's uneasiness? Economy is the last thing against which I would say a word. Economy by all means, as far and as fast as you can; but extortion is not economy. If you must tax something or somebody, then either tax many things and everybody, or tax all round, rateably, the incomes of all your officials and creditors, and so make both ends honestly meet. But politically it is not honest to eke out the means of extravagance by lawless exactions from individuals. This is expropriation, not economy. It is the act and the language of the moss-trooper levy done into modern sophistry. It is communism from above instead of from below. Have a care how you preach such doctrine and set such an example. Sir, if it be too late in the Session—as perhaps in some respects it is—to appoint this Committee, then I venture with great respect to press the Government to consider this matter during the Recess, and, at least, to accord the Nawab the courtesy of a reply to his letters now left unanswered. I entreat them and this House to consider whether it becomes our dignity as a great State, whether it becomes us as an exemplar of Christian morals, whether it becomes us as desiring to keep the peace of India, as desiring that we should not be sub-

ject in history to the reproach of sowing serpents' teeth and wondering that they should spring up as armed men, to refuse this man the bare justice of a hearing. He asks not a single shilling from the English taxpayer. If he asked for such a thing, I should oppose it. He asks only for the security of that which was his father's and his grandfather's before him; and I say it is intolerable that you, who have added to the burden of taxation in India, and have given the benefit of those burdens to English officers, civil and military, who have gone there to make fortunes; I say it is intolerable in you, to tell the descendant of the old Princes of the land, the rulers of an enormous territory, and the undeviating allies of your power in the East, that you will despoil him of his possessions, disfranchise his children and put them to professions to earn their bread. I protest most strongly against such treatment, and I can never think of it without feelings of shame that we who are so high-minded and so lofty-spoken in our proceedings should be sullied with even the imputation of such acts. Sir, I have shown you the weight of authority there is against this policy of confiscation, and I could go on accumulating proof upon proof, citation upon citation to the same effect, but I do not think it would be agreeable to the House. The Session is late, and we have much to do. I do not press the noble Lord opposite to give me an answer off-hand upon all that I have said. He is new to office, and I hope he may not be tempted, for the sake of a passing cheer, into adopting a course which afterwards he may not find it possible to carry out. I ask him for nothing but consideration; for nothing but to do justice. I ask for nothing on behalf of this man, but for that which so long as there is an independent Member in this House, will and shall be pressed for. I may not be here myself; my voice may be dumb, for I am getting pretty well worn out in the service; but others younger and better able will take my place. I will only make this promise, that the cause which I have argued in this imperfect manner will not be lost sight of, or injured to-night by any rash or inconsiderate words. This claim is a thing which touches the honour and dignity of the nation; it is regarded with secret and selfish sympathy by

every Native Prince in India. If you touch one you make the others wince; for how can they tell if you fall back a second time upon precedents like Jhansi, Mysore, and others, if you recommence that system of annexation—how can they tell whose turn it will be next? You have on your Table a very remarkable document—the secret despatch of Lord Napier of Magdala, written three years ago at the instance of Lord Mayo, in which he warns the Government of India that two of the great Indian Chiefs are to be regarded as men against whom we know not how soon our guns may be pointed. These are the men on whose amity and friendship you rely for the quiet possession of India. That is what your Commander-in-Chief confidentially advised you; and why you ever published that despatch Heaven only knows. But having published it and given us the truth, we are bound not to forget it. It is impossible that Russia should forget it, or that America should forget it, and I pray God that England may not forget it before it be too late. [The hon. Member was precluded by the Forms of the House from moving his Resolution.]

MR. J. MARTIN: Mr. Speaker—As one of that Irish party who desire, as I have said on a previous occasion, to form a friendly and voluntary connection with the English people; who desire to form a friendly arrangement with them by which we will consent to their foreign policy; and who desire, therefore, that the foreign policy of England should be in accordance with the national sentiment of Ireland—should be fair, just, and generous—I will say that as to this Indian question I am in accord with the hon. Member who has last spoken. I may frankly tell the House that the people of Ireland have never been satisfied, are not satisfied, and perhaps never will be satisfied with such a foreign policy of England as is characterized by Alabama payments, Ashantee wars, and Indian famines. We desire that the foreign policy of the great Empire of which we now express our willingness to form a part, should be characterized by measures of equity and generosity; and in that spirit I implore the House to take into its most serious consideration the speech of my hon. Friend who has just sat down.

LORD GEORGE HAMILTON: Sir—If I was not tolerably well acquainted

with the facts of this case which my hon. Friend has laid before the House, and if I was not further well aware of the great ability with which he can place a subject before this House, I confess that I never should have believed that the dramatic picture which he has drawn was one which conveyed the case of the Nawab Nazim of Bengal. Sir, my hon. Friend has very kindly impressed on me the importance of using no sentence which I shall not hereafter be able to fulfil. I will therefore be as moderate as I possibly can in replying to the speech which he has just made. But before I do so, I must remind the House, in a few words, of the case which has been laid before it. The case which my hon. Friend has laid before the House, is the case of one whom he describes as an independent and hereditary Prince who has suffered wrong and injustice, with whom Treaties confirmed by Her Majesty have not been kept; and he calls upon the House not to assent to the dastardly purpose of robbing his children. Sir, I am afraid I shall be compelled by the inextricable logic of facts, to rudely dispel much of the picture which was laid before the House. My hon. Friend concluded his harangue—or rather in the middle of his speech he produced a great effect—by producing an old Treaty, the last few lines of which he read, but the main portion of which he was far too astute to lay before this House, because my hon. Friend knows quite well that the words he has quoted in that Treaty refer to an agreement contained in it, and unless we know what the agreement is, the last paragraph is absolutely useless. I will endeavour very shortly to place before the House the facts connected with this case, and if any hon. Gentleman questions my facts he can easily refer to the historical records. My hon. Friend spoke a great deal of certain Treaties which had been negotiated between the East India Company and the ancestors of the present Nawab Nazim, but I am bound to point out to the House the great discrepancy which exists between the Motion of my hon. Friend as it now stands upon the Paper, and that which he first put upon the Paper. The Notice which my hon. Friend first put on the Paper was to move for a Committee to report on the claims of the Nawab Nazim of Bengal, and the rights, privileges, and advan-

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tages granted to his family under the Treaties of 1757 and 1770. That is a clear and intelligible proposition. But he has altered his Motion, and it now stands as a Motion for the appointment of a Select Committee to inquire into and report on the hereditary rights and dignities claimed on behalf of his family by the Nawab Nazim of Bengal, whether founded on Treaty obligations or on interpreted user for upwards of a century. If my hon. Friend was so positive that these rights and privileges were granted to the Nawab by Treaties, why did he not adhere to the first Notice which he put upon the Paper. But my hon. Friend knows well that every opinion almost which has been given has pointed out to the Nawab and his advisers, that the stipend which he now enjoys is secured to him by no treaty, grant, or contract. I will place before the House what are the indisputable facts of the case. As to the Nawab being descended from an independent or an hereditary Prince, I think I can prove in a few words that the office which his ancestor held for a short time was neither independent nor hereditary. The outer Provinces of the great Mogul Empire belonged to the Emperor of Delhi, and the Emperor of Delhi appointed officers to represent him in them, and the Soubadar of Bengal was one of the most important of those officers. But the right of the Emperor over those Provinces was not questioned up to the date of 1715, as I can prove by two facts. In the year 1715 a deputation from the East India factories at Calcutta proceeded to Delhi for the express purpose of laying before the Emperor the excessive taxes which were imposed upon them by his representative, the Soubadar of Bengal. If the Soubadar had been an independent Sovereign, it would have been useless for them to go to Delhi. But what happened then? The Emperor happened to be very ill at the time, and among the deputation was a gentleman named Gabriel Hamilton, a doctor, who cured the Emperor, and the Emperor showed his gratitude by giving certain parts of Bengal and Orissa to the East India Company. If the Soubadar of Bengal was an independent Prince, what right had the Emperor of Delhi to grant that territory, and also to grant, as he did, certain remissions of taxation? Shortly afterwards, in the

year 1725, the Soubadar of Bengal died, and was succeeded by his son, who was deposed by a very able man, of the name of Ali Vavdi Khan. What did he do? The first thing he did was to appeal to the Emperor, and to ask him to confirm him in the position of Soubadar of Bengal, and the Emperor did so confirm him. He died in 1757, and was succeeded by his grandson, Surajah Dowlah, who had a most important officer about his Court, of the name of Meer Jaffier, the ancestor of the present Nawab of Bengal, and the claim of the present Nawab is founded on the claims of Meer Jaffier. But what was his position? He was merely one of the officers of Surajah Dowlah, the grandson of an usurper, and the only hereditary right he had then was a right to betray his master, which he took the first opportunity of doing. When Surajah Dowlah attacked Calcutta, and sanctioned that foul atrocity where upwards of 100 Europeans were murdered in the Black Hole, Meer Jaffier was with him. Surajah Dowlah and Lord Clive negotiated a Treaty which was signed on the part of Surajah Dowlah as the servant of the King of Delhi, and that was witnessed by three Natives, one of whom was Meer Jaffier, who signed himself as the servant of the King of Delhi. If, in that year 1757, the Soubadar of Bengal was the servant of the King of Delhi, I cannot myself see anything in the various Treaties he negotiated with the East India Company to alter that position. After a short time, Lord Clive found it impossible to deal any longer with Surajah Dowlah, and he entered into negotiations with Meer Jaffier, who was only one of the officers of Surajah Dowlah, by which he undertook to place Meer Jaffier in the position of his master if he would assist him. Meer Jaffier did not hesitate; the Battle of Plassey followed, and Meer Jaffier was made, by Lord Clive, Nawab of Bengal. My hon. Friend did not tell us how Meer Jaffier got rid of his master, Surajah Dowlah. Surajah Dowlah was handed over to the tender mercies of his son, whom he murdered in his palace. Meer Jaffier was placed in his position by the East India Company. He was appointed to that position by them, and he had no hereditary right of any kind to that office;—more than that, the East India Company had great difficulty in maintaining him in

that post. A short time afterwards his conduct caused disasters in Bengal, and he was quickly put on one side, and his son-in-law, Meer Kossim, succeeded. His conduct did not give satisfaction, and he was soon afterwards put on one side, and Meer Jaffier was brought back in his place. The only right of Meer Jaffier was given to him by the East India Company. He died in the year 1765, and the Company recognized his son as his successor. Well, Sir, the next three engagements between the Company and the Nawabs were personal agreements; for if they were not personal agreements, it is clear that each Nawab who succeeded to the post of his predecessor would have taken advantage of the Treaty which his predecessor negotiated. No such claim was made, however; and not only that, but as each succeeding negotiation was made, the stipend given by the Company to the Nawab was diminished for a very obvious reason. In the year 1765, a Treaty was negotiated with the King of Delhi, by which he undertook to hand over the whole of the revenue of the Provinces of Bengal, Behar, and Orissa to the Company; and the first condition was that a sum of 26 lacs should annually be paid to him as tribute in recognition of his rights to those revenues; and the second condition was, that a certain provision should be made to him for his representative, the Soubadar of Bengal, in order properly to maintain his dignity. Shortly after that, in the same year, the Nawab, a very young man, died, and he was succeeded by his brother, to whom an allowance of £410,000 a-year was made by the Company; and he held that post for some five years, and then he died in the year 1770. And in that year a fresh arrangement was made by the representatives of the Company out at Calcutta, by which an allowance of £320,000 a-year was in that Treaty arranged as the sum to be paid to the representative of the King of Delhi. That is the Treaty on which my hon. Friend bases his case, and he produced it to this House, and spoke of the wording of the latter part of it, in which it says—"This agreement, by the blessing of God, shall be inviolably preserved for ever." That Treaty was never sanctioned by the Company, and never ratified by them; and not only that, but that Treaty, so far from ever having been in force, was

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not agreed to; for instead of being paid £320,000 a-year, which is the amount contained in this Treaty as the sum to be paid to the Nawab, he never received more than £160,000. The first condition was that a large sum should be annually paid to the King of Delhi—to the Sovereign of those territories. That sum has never been paid, and therefore nothing can be more clear than that that Treaty was not sanctioned or ratified. The second condition was that a certain sum should be paid to the Soubadar or Nawab of Bengal, and that was to be paid in consideration of his carrying on the Government, and performing the duties of the Executive government of the Province. What happened afterwards? The King of Delhi was taken prisoner by the Mah-rattas, and the Company, finding the greatest inconvenience had existed from the double government of the Nawab's officers as well as of the King's officers, and that a great deal of money was taken from the ryots, paid the Nawab the sum which was stipulated in that agreement for his personal expenses, but did not pay him the sum which was to be paid to him for performing the duties of government; and I am astonished that my hon. Friend should base his case on a Treaty which merely undertakes to pay money for certain duties performed, and which for 100 years have never been performed. Yet he produces the Treaty, and quotes with great effect the last words; but he never alludes to the agreement contained in it. Well, Sir, from that day until now, the Nawab has been in receipt of £160,000 a-year. He may have been an ally of ours at a critical moment; but I think the House will admit that whatever services he has rendered to us have been well requited, when I tell you that from the time he has been unconnected—directly or indirectly—with the duties or offices of government, his family have received a sum of £18,000,000 sterling from us. That is what my hon. Friend calls one of the gravest blots upon our history; but I am not certain that one of the gravest blots upon our history would not be found in our having placed upon the Throne the ancestors of this man. He held that position for eight years; and upon this ground alone we have paid his ancestors for more than 100 years £160,000 a-year. Successive Governors-General have intimated to the

Nawab that they entirely reject his claims so far as they are founded on the assertion of any Treaty rights, or any hereditary rights; but the Directors of the East India Company laid down this principle—a principle which has been acceded to by successive Governors-General—that so long as policy recommended the maintenance of the dignity of the Nawab, and while it was so maintained, justice recommended that it should be continued in Meer Jaffier's family. I hope I have now shown plainly to the House—and my facts cannot be questioned—that the ancestor of the present Nawab never had any hereditary rights, or was an independent Prince; that the only right he had was one which we ourselves granted and maintained by force of arms for eight years. For five years we kept his ancestors in a position for which they were in no way qualified, and from that time until the present we have paid them this enormous stipend of £160,000 a-year. Let my hon. Friend recollect these facts. The hon. Member talks about Her Majesty the Queen, but let him remember that Her Majesty's Civil List is only £360,000 per annum, and with that sum heavy and onerous duties have to be performed; whereas the Nawab Nazim has, happily for himself, nothing to do but to enjoy himself. My hon. Friend pointed with some effect to the Mace upon the Table—that "bauble," as it has been called—and said he should be the last to desire that it should be taken away; but if it cost £160,000 per annum, would not my hon. Friend be the first to denounce the extravagance of maintaining a "bauble" from which nobody derived the slightest advantage? I am not sure that that description could not be applied to the Nawab of Bengal. I do not know what may happen in the future, but of this I am perfectly certain, that so long as I have in any way the honour of being connected with the India Office, or so long as the present Secretary of State for India holds the position he now fills, he will never consent to any such proposal as that which my hon. Friend has made. And I think he may congratulate the Nawab that we do not consent to that proposal. At the present moment great attention is being directed to Indian Expenditure and Indian Finance. I am not quite certain that any Committee of the House of Com-

mons, or any impartial tribunal which might be appointed to inquire into these claims, might not consider, when we are bound by no Treaty, obligation, or contract, that £160,000 a-year was a very large sum for the maintenance of what may be fairly called an "empty bauble;" and therefore I think that my hon. Friend may be glad that we do not assent to his proposal. If he has any influence with the Nawab or his family, the best advice he can give him is to return to his country, and there let him occupy, as I have no doubt he can well do, the proud position which by the liberality of the English Government he is able to maintain. But if the Nawab Nazim, by his pertinacity and by continual airing of grievances—which I do not believe in the smallest degree have any real existence—should even be successful in getting an appeal to an impartial tribunal, of this I feel confident, that he and his family will rue the decision of the tribunal before which they brought their claims.

MR. SERJEANT SHERLOCK: Sir, it is somewhat difficult to follow the noble Lord in his indignation at the course adopted, and the extent of the liberality which has been extended to this Prince. It has been stated by the noble Lord that the title to these rights is derived by the Nawab Nazim from his ancestor, Meer Jaffier, and that Meer Jaffier had no rights of his own as a Prince, and having no rights for himself, had none to convey to his descendants, so that none of his successors had any claim. Now, in referring to a work of some authority as descriptive of what took place after the Battle of Plassey, I find it mentioned in the preface to these Treaties that were entered into, that—

"A confederacy was formed amongst Surajah Dowlah's officers to enter into a Treaty with Meer Jaffier, and as at the Battle of Plassey, which was fought on the 23rd of June, 1757, the power of the Surajah Dowlah was completely broken, Meer Jaffier Ally Khan was settled by Clive as Soubadar of Bengal."

Now, was there attached to that position any right, any title, any prerogatives? From 1757 to 1770 we have successive Treaties entered into by the East India Company with successive descendants of Meer Jaffier Ally—acts of State, in themselves indicative of sovereign or semi-sovereign powers. It is said that the Emperor of Delhi was the legitimate potentate and Monarch, and that the

rights of these Soubadars were not recognized. Sir, I turn to a Memorial of the East India Company, dated in 1760, when difficulties arose between themselves and the Dutch. The Directors of the East India Company on that occasion drew up a Memorial to George III., in which they used these terms—

“The Nawab makes war or peace without the privity of the Mogul, and although there appears to be some remains of the old constitution in the succession to the position of Nawab, yet in fact the succession is never regulated by the Mogul's appointment. The Nawab, if possible, is desirous of verifying his succession by the Mogul's confirmation, but the Court of Delhi, conscious of its inability to interfere, readily grants its consent. The Nawab of Bengal is, therefore, *de facto*, whatever he may be *de jure*, a Sovereign Prince.”

That is the statement of the Directors of the East India Company as to the status of the Nawab of Bengal. That statement of his being *de facto*, if not *de jure*, a Sovereign Prince is confirmed by various documents of various Departments, which I shall not trouble the House by reading, and from successive Governors of India, each recognizing the position as a Prince of the Nawab of Bengal. But now, it is said by the noble Lord that this Treaty, produced by my hon. Friend the Member for Finsbury, is one the contents of which he wisely refrained from reading to the House. It terminates, as has been stated, with these important words—“This Agreement, by the blessing of God, shall be inviolably observed for ever.” But the noble Lord says they do not mean that the whole of it shall be observed for ever, but they merely refer to some portion of it. Now I have no objection, if it will not impose too much trouble on the House, to read the entire of this Treaty, because I venture to say that the interpretation which any impartial tribunal or individual would put upon it would be that the whole of this Treaty must be taken together, the covenants on one side with those on the other, and that if the concessions made by one side were to be observed for ever, the benefits reciprocally obtained from the other were likewise to endure for ever. The Treaty is headed—

“Articles of Treaty and Agreement between the Governor and Council of Fort William on the part of the East India Company, and Nawab Mobaruk-ul-Dowlah, dated the 21st March, 1770.”

It is sealed with the seal of the Com-

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pany. It is signed by six or eight names, which, I presume, were those of the Governor and Council of the Company, and this is the document—

“On the part of the Company, we, the Governor and Council, do engage to secure to the Nawab Mobaruk-ul-Dowlah the Soubahdarry of the Provinces of Bengal, Behar, and Orissa, and to support him therein with the Company's Forces against all his enemies.”

Was not that part intended to endure for ever? Was that meant to be merely a temporary transaction? Were not the general words at the end of this Treaty quite sufficient to carry that part of the contract to the Nawab and his successors for ever? Then we come to this—

“On the part of the Nawab. The Treaty which my father formerly concluded with the Company upon his first accession to the Nizamut, engaging to regard the honour and reputation of the Company, and of the Governor and Council as his own, and that entered into with my brothers, the Nawabs Nudjm-ul-Dowlah, and Syef-ul-Dowlah, the same Treaties, as far as is consistent with the true spirit, intent, and meaning thereof, I do hereby ratify and confirm.”

Was not that meant to be included in the general words—“This Agreement, by the blessing of God, shall be inviolably observed for ever?” Here you have the successor to three Princes ratifying and confirming the Treaties made by them with the East India Company, and making concessions which are detailed in Article No. 2, which, if necessary, I shall read in the same way, specifying the sums of money which the Company were to secure in return for the concessions made to them and which they thus derived.

LORD GEORGE HAMILTON: Will the hon. and learned Member read it all?

MR. SERJEANT SHERLOCK: Oh, certainly.

“The King has been graciously pleased to grant unto the English East India Company, the Dewannyship of Bengal, Behar, and Orissa as a free gift for ever; and I, having an entire confidence in them and in their servants”—

a very misplaced confidence I may be permitted to say—

“settled in this country, that nothing whatever be proposed or carried into execution by them derogating from my honour, interest, and the good of my country”—

he was very much mistaken—

“do therefore, for the better conducting the affairs of the Soubahdarry, and promoting my honour and interest and that of the Company, in the best manner, agree that the protecting the Provinces of Bengal, Behar, and Orissa, and the

force sufficient for that purpose, be entirely left to their direction and good management, in consideration of their paying the King Shah Aalum, by monthly payments, as by Treaty agreed on, the sum of Rupees two lakhs, sixteen thousand, six hundred and sixty-six, ten annas, and nine pice (Rupees 2,16,666-10-9); and to me, Mobaruk-ul-Dowlah, the annual stipend of Rupees thirty-one lakhs, eighty-one thousand, nine hundred and ninety-one, and nine annas, (Rupees 31,81,991-9), viz.—the sum of Rupees, fifteen lakhs, eighty-one thousand, nine hundred and ninety-one, and nine annas (Rupees 15,81,991-9) for my house, servants and other expenses, indispensably necessary; and the remaining sum of Rupees sixteen lakhs (Rupees 16,00,000), for the support of such sepoys, peons, and burkundazes as may be thought proper for my swarthy only; but on no account ever to exceed that amount.

“The Nawab, Minauh Dowlah, who was at the instance of the Governor and Gentlemen of the Council, appointed Naib of the Provinces, and invested with the management of affairs, in conjunction with Maharajah Doolubram, and Juggat Seat, shall continue in the same post, and with the same authority; and having a perfect confidence in him, I moreover agree to let him have the disbursing of the above sum of Rupees sixteen lakhs, for the purposes above mentioned.

“This Agreement, by the blessing of God, shall be inviolably observed for ever.”

Now I have read everything. It is said that the money was not paid, that the Treaty was never acknowledged by the East India Company, and that therefore it is not binding. It has the appearance of all solemnity. It has the seal of the Company and the seal of the Nawab Nazim. But let us see now whether the position of the Nawab has not been acknowledged by the very highest authority. I shall not weary the House by reading many extracts, but will take the last I have here in the life-time of the present Nawab and from Lord Canning. This letter is dated 11th March 1856, and addressed—

“Nawab Sahib, of high worth and exalted station, my good brother, I wish you peace.

“After expressing devoted desire beyond description for a happy interview, I would announce what you will have gleaned from the newspapers of the 29th February last, that this friend has been appointed to succeed the Most Noble Marquis of Dalhousie, K.T., as Governor-General of India. Permit me to add, this friend entered Calcutta, the seat of Government, and assumed the duties of this high office on the 26th February 1853, corresponding to the 22nd Jumadee-ul-Sanee, 1272, H.

“Your Highness may be assured the consideration, respect, and friendly interest in the prosperous administration of your affairs, and just regard to the honours and dignities due to your hereditary rank and the prescriptive privileges of your high station”—

What does that mean?—

“guaranteed by the stipulations of subsisting Treaties and long established relations, observed and cherished by former Governors-General, will on the part, also, of this sincere friend, be fervently fostered and punctually fulfilled.”

I say that if between ordinary individuals there was evidence of contract so clearly established as there is here of a contract commenced in 1757, summed up in 1770, and recognized by successive Governors-General down to the time of the late Lord Canning and the present Nawab; and if between the private individuals there was an attempt made to break the contract, by alleging that the parties could not contract or did not contract, and there was evidence also of such falsification of documents as has been mentioned by the hon. Member for Finsbury, the parties who resorted to such a plea to escape from their just, if not absolutely legal, liabilities in return for the enormous amount of territory and the enormous sums they acquired by these Treaties, such conduct would be anything but honourable; and I think that is a very mild word.

Now, Sir, the noble Lord has stated that so long as he can advise and control the course to be taken by the Government, the Nawab has no hope of being able to justify his assertion of these claims. I am sorry the noble Lord has arrived at that conclusion, for it does appear to me that upon a calm and dispassionate examination of these documents, from the Battle of Plassey down to the succession to his dignities and ancestral rights by the present Nawab, that the position of this family, as Princes *de facto*, has been clearly and indisputably recognized and established. It may be said that these various Treaties do not contain what lawyers call the words of limitation “to his heirs and assigns for ever.” I could understand a lawyer resorting to such a plea as that, and thereby advising a dishonest client to escape from a just debt. But here, from the very nature of the contract, such pleas are inadmissible and unworthy. We find the East India Company receiving large accessions of territory, and deriving great advantages from successive Treaties, and, they being the stronger party—and particularly when dealing, as in 1770, with a boy 10 years of age—reducing the amount of the consideration for which

such advantages were granted, and, later on, applying a portion of these revenues, which formerly belonged absolutely to this Prince, to a fund which has been most unsatisfactorily expended, and which, I think, has been entirely diverted from the object for which it was ostensibly formed. It is impossible to read these Papers without seeing that there was a contract, for full consideration given, entered into with the ancestor of the present Nawab. That contract is one which he on his part and his ancestors on their part have faithfully discharged, but which I regret to say the East India Company—a British Company—have endeavoured to ignore.

MR. BECKETT - DENISON : Sir—After the long and exhaustive speech of my noble Friend the Under Secretary of State, it will not be necessary for me to detain the House with any lengthened remarks upon this subject, but inasmuch as this is by no means the first time we have been favoured with a long discussion as to the same case and the same contention, I think it right to refer hon. Members of the House, or at any rate such as were not in the last Parliament, to a similar discussion which took place no longer a time than three years ago. On that occasion, Sir, the then Member for Christchurch, I think it was, moved for a Committee in the same manner as has been done now by the hon. Gentleman the Member for Finsbury. The then Under Secretary of State entered upon a long and exhaustive reply like that which has been given by the noble Lord. If any hon. Gentleman is curious in this matter, he need only refer to the debate of the 4th of July, 1871, and he will there see set forth everything that can be said *pro* and *con* in this matter. But, Sir, besides my hon. Friend the Member for Elgin, the present Chancellor of the Exchequer also spoke on that occasion—and he spoke, Sir, with all the authority of a man who had himself been Secretary of State for India, and who during his presidency at the India Office had found it his duty to inquire into this very matter. With the permission of the House I will read what he said on that occasion. It is not long, but it is very much to the purpose, and contains the whole marrow of this matter in a small compass. He said—

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“The discussion would be much shortened, and a decision upon the Motion facilitated, if hon. Members would bear in mind the particular proposition submitted to them—namely, whether certain treaties and agreements have been faithfully observed by the Indian Government, and to what claims, if any, the present Nawab Nazim might be entitled under them. If treaties had been entered into with this family and not fulfilled, that was a question which touched the honour of a great country like England; but if the allowances given were merely given as customary donations and as a matter of grace and favour, then the controversy assumed a very different aspect. The whole question was, what were the relations of those high personages who held the title of Nazim 100 years ago to the Indian Government. Were they powerful Princes or not, and did we enter into treaties with them as Sovereign Powers or not? What was conceded to us was the collection of the revenues, and the Emperor of Delhi cared little about anything but that we should pay his tribute, and provide for the expenses of the Nizamut. That bargain having been made 100 years ago between competent authorities, it was useless to go into the motives which led to the arrangement. What was given to us was the collection of the revenues, and we had nothing to do with the administration but to see that it was provided for. Fresh bargains were afterwards made with the different succeeding Nazims. The Commissioners afterwards took the administration into their own hands and performed the duties themselves. If the House would endeavour to avoid mixing up questions as to the treaties with other questions, they would perceive, he thought, that the matter was hardly one to be referred to a Select Committee. . . . This was not a question upon which a Committee could throw any light, for the matter rested, not upon treaty, but upon the liberal arrangements of the Indian Government, and if this House were to undertake to revise the daily administration of the affairs of India it would be found unable to do so.”—[3 *Hansard*, ccvii. 1161.]

These were the words of Sir Stafford Northcote—I may name him, as he is not present—spoken with all the weight of his authority. But there is something else which I wish to draw attention to, and which is also very much to the purpose. It is very short, but it is the opinion of the present Lord Selborne—then Sir Roundell Palmer—upon this very hereditary claim. These are the words—

“We look in vain for any words of inheritance or succession in any of those several treaties, or, in fact, for any expression to show an intention on the part of either of the contracting parties to include the heirs or successors of any such several individuals. Our attention has been specially directed to the concluding lines in the last of those treaties—viz., that of 1770—in which the words ‘for ever’ occur; but upon reference to their context, it clearly appears that the intention in using them was that the ‘agreement’ (whatever it was) contained in that Treaty should be inviolably observed for ever; and we have above

stated what, in our opinion, is the nature and extent of that agreement. We are further of opinion, therefore, that the above words 'for ever' cannot alter or extend the meaning and force of the express agreement in the body of the Treaty."

Well, Sir, it is not necessary, I think, to insist on this point. I have no doubt that the hon. Gentlemen who have addressed the House from the other side, and taken up this case, thoroughly and entirely agree in the justice of the case. I believe that the House, as it has before refused, will not now grant this Committee for the investigation of claims which have been pronounced again and again to be untenable; and therefore I think that my hon. Friend, and those who, with him, are advocating the appointment of a Select Committee, are doing the Nawab himself a very bad service, for I have great confidence that if these claims came to be tested by a Committee, they would be pronounced to be groundless.

SIR JOHN GRAY: I think the hon. Gentleman who has just sat down, and also the noble Lord the Under Secretary for India, have used very extraordinary arguments. The hon. Member who has just sat down has expressed a strong conviction that whenever a Committee should sit upon this case, if ever it did—and he also thought the House would never consent to a Committee—that the decision of that Committee must necessarily be against the Nawab. Now, if that be the case—if there is such a conviction in the hon. Gentleman's mind, and if there be such a conviction in the minds of hon. Members who take part with him, surely the plain course would be to say—"Let us get rid of this case; let us investigate the case; let us hear what can be said for and against it; let the whole trial be had impartially and judicially, and not with a partizan spirit; let each point be stated, and examined, and adjudicated upon by an impartial Committee of this House—as impartial an Assembly as ever sat in any country in the world." Let that be done, and hon. Gentlemen on this side who advocate the case will be satisfied. If two parties in private life have a controversy, and they are so advised, the merits of their respective claims can be ascertained by trial at law. If one of them objects to such an arbitration of the case, he practically condemns himself

and refutes his own pretended claim. He admits that his own conscience tells him that right is not with him, and that he dare not set his case before a fair arbitration. Is not that the case of the hon. Gentlemen on the opposite side, who now refuse to appoint this Committee to hear the case of the Nawab Nazim? They assert that he has no claim, that he has no rights, that there has been no violation of the Treaty with him, that there was no Treaty with him at all, and yet they refuse to come and hear his case impartially stated. [Mr. BECKETT-DENISON: No hereditary Treaty.] No hereditary Treaty! What is the difference between a Treaty made on behalf of Her Majesty the Queen and one made on behalf of those whose successor she is? Because she is by Act of Parliament the successor of the East India Company, and the Company were bound by their Treaties, and admitted that they were, and whether those Treaties are personal Treaties or hereditary Treaties, they signed them, and sealed them, and authenticated them, and for 100 years they have been acted upon. [Mr. BECKETT-DENISON: No, they have not.] For 100 years it is in evidence that they have been acted upon. For 100 years a stipulated sum named in these Treaties, and agreed to be paid to the predecessors of this Prince has been paid to them, to him, and to his family; and yet hon. Gentlemen stand up in this House and tell us that there were no Treaties; and then, fearing that the effect of these Treaties themselves might be placed upon the Table of the House, they say that there were Treaties, but not hereditary Treaties. Yes; they were unmistakeably real and hereditary Treaties, and the parties who were declared the recipients of the sums mentioned in those Treaties received those sums which were paid them from time to time, until the spirit of Mammon entered more deeply into the hearts of our officials, and they determined that they would rob this Prince of what he was hereditarily entitled to, and what was confirmed to him by the very word of Her Majesty herself. I confess, Sir, that as a subject of the Queen, and as one anxious to look forward to the time when every subject of the Queen will be proud of that position, and will honour the Ministers of the Queen, and will recognize everything done by them as

eminently honourable, worthy of the Sovereign, and worthy of the Constitution, and worthy of this House, I was pained beyond expression at some of the words which fell from the noble Lord the Under Secretary for India. I heard him argue with great emphasis, but with very little force, as it seemed to me, that we should ignore the claims of this Prince; a course which I hold to be unworthy of this House, unworthy of a Minister of Victoria, unworthy to be listened to by any man of honour in this House. ["Oh, oh!"]

MR. SPEAKER: The hon. Member is exceeding the licence of debate.

SIR JOHN GRAY: I am very sorry that I should be said to exceed the licence of debate, but I scrupulously avoided—"Oh, oh!" and *laughter*—I scrupulously avoided saying anything that seemed to me possible to be offensive to the noble Lord, whose speech I listened to with much attention. I speak of the sentiments which he expressed, which were threats to a suitor at this Court; threats to a claimant before this Court to have his case heard.

LORD GEORGE HAMILTON: I rise to Order. I used no threats. What I said was—and what I repeat is—that if these professed claims were submitted to any tribunal, I care not how composed, he would rue the day when he submitted them.

SIR JOHN GRAY: I wish to assure the noble Lord that nothing could be further from my intention than to say anything that could possibly be personally offensive, and if I said anything in violation of the rules of debate, I apologize to this House—nay, to him—for saying it; because I should think it improper of a Member of this House to disregard its Rules. But, with all due respect for the noble Lord—and I have much respect for him personally, much respect for his family, and great respect for his position as a Minister of the Crown—with all due respect, however, to the noble Lord I do affirm—subject, of course, to your decision, Sir—that for a Minister to use a threat of this sort to a claimant for justice at the Bar of this House—to assert that a man in the position of a Prince; a man who has been recognized at the Court of Victoria as a Prince; a man who has been presented to our Sovereign as a Prince; a man who is received at the

Sir John Gray

Court of St. James's with all the honour due to a Prince; a man who has had appointed for his escort a special officer, such as is never given to any person except a person in the high position of a Prince and an equal—to assert, in regard to such a man, that he is a mere pretender, while the Sovereign treats him as a Prince—and to tell any man, be he Prince, or Peer, or peasant, that he would rue the day that he came here to ask for justice—to assert that he and his family, whom it is now sought to cast on the tender mercies of the world, would rue the day when he appealed to the British House of Commons for a fair and honest hearing of his case, was to adopt a course which, with due submission, Sir, to your opinion, was not worthy of a British Minister, and was not worthy of a subject acting on behalf of his Sovereign. If that be a wrong sentiment for me to utter, Sir, I will bow to your decision: but until you pronounce it to be a wrong sentiment to be expressed by a freely-elected British Representative, I must continue to hold it, and be prepared at all proper times to express it. If, however, you pronounce it wrong, Sir, then I will apologize, and adopt any course that you may adjudge requisite and proper. Now, Sir, passing from that, I wish to ask why was it that the Treaties were entered into with the predecessors of this Prince if their descendants were not afterwards to be recognized as persons on whose behalf these Treaties should be held inviolable and safe? We were told, Sir, as one of the reasons why faith should not be kept with this Indian Prince, that he had betrayed his master. But, Sir, that comes ill from the lips of a British Minister. Many and many a man has betrayed his master, and his Sovereign, and his country, and has been richly rewarded by British Ministers, honoured by British Sovereigns, sustained by British Parliaments; and yet we are told in this House, by a British Minister, that the man who betrays his master ought not to have faith kept with him. But who taught him to betray his master? Who bribed him to betray his master? Who tempted him that wealth and honours, protection and security, should be his if he betrayed his master, and sold for British guns that which it was his duty and his honour to

defend? Of such we have been told by the poet, that—

“Undistinguished they live, till they learn to betray.”

Is this a policy to be defended? On one side you hold out promises, make Treaties, and pay money under those Treaties; and then you turn round and tell the man, whose ancestor, we are told, betrayed because he was bought to betray, that the Treaty shall not be kept faithfully with him; though the name of God was invoked to give solemnity to the compact, and the honour of Ministers, Parliament, and the Sovereign, were pledged to maintain it inviolable for ever. One hundred years of continuous payments have confirmed that Treaty, and proved that we felt bound to keep it inviolate. I would suggest, then, Sir, that if the noble Lord, and those who support him, are so confident of the justice of their case, and are so certain that any impartial and just tribunal will decide against this claim, let them appoint that tribunal now. In no place in the world can you get so impartial a tribunal as in the British House of Commons. Then let a Committee of the House of Commons be appointed now to inquire into the matter, and those who defend the cause of this Indian Prince—who defend truth, honour, Treaties, and justice—and who hold that a long-continued system of payment under those Treaties have confirmed them, will abide the judgment of that tribunal, whatever its decision may be.

CONTAGIOUS DISEASES (ANIMALS)— REPORT OF COMMITTEE, 1873.

OBSERVATIONS.

MR. J. W. BARCLAY said, he had given Notice of a Motion to the effect—

“That, in the opinion of this House, the Government ought to take the necessary steps to carry into effect the recommendations of the Select Committee of last Session on Contagious Diseases (Animals); (a.) that the regulations in Great Britain and Ireland with regard to cattle diseases should be similar; (b.) that such regulations should be carefully enforced at the landing places both in Great Britain and Ireland; (c.) that the Irish Government should take steps by inspection at Irish ports to prevent the shipment to Great Britain of any diseased or infected cattle;”

He was prevented by the Forms of the House from moving his Resolution, but as it was a question which directly affected Ireland, and affected also very closely

the interests both of England and Scotland, he would venture to press his views on the House and the Government. Last Session a Committee was appointed to inquire into the operation of the Contagious Diseases (Animals) Acts, and also into the constitution of the Veterinary Departments of Great Britain and Ireland. The Committee, which was presided over by the right hon. Gentleman the late Vice President of the Council, held 28 sittings, and examined a large number of witnesses from England, Scotland, and Ireland; and, after due deliberation, arrived at certain recommendations as to the best method of dealing with the cattle disease in future. As to the best mode of dealing with the importation of foreign cattle there was great difference of opinion; but as to the points to which he was specially desirous of directing the attention of the House the Committee were practically unanimous. The first and principal recommendation of the Committee was, that any regulations dealing with cattle diseases should be uniform throughout the Three Kingdoms, and that they should be imperative on all local authorities—the reason being that it was found that while the Orders in Council were permissive, and some local authorities carried out the regulation and others did not, any legislation on the subject was practically without beneficial result. Another recommendation to which the Committee agreed was, that the Privy Council should cease in future from attempting, by Orders in Council, to check the spread of the foot-and-mouth disease. A third recommendation was that all cattle suffering from pleuro-pneumonia should be slaughtered. Upon those recommendations the late Government immediately took action. All the Orders in Council upon foot-and-mouth disease were withdrawn, and a new Order in Council was passed, making it imperative upon all local authorities to slaughter animals affected with pleuro-pneumonia. What, however, had been the action of the present Government in respect of dealing with the foot-and-mouth disease? The noble Lord the Vice President of the Council laid upon the Table of that House, a few days ago, an Order in Council by which the whole policy which had been shown by the Committee of last year to have been ineffectual was again renewed, and an Order in Council

had been issued, giving power to local authorities to deal with foot-and-mouth disease. This, he thought, was a great mistake—the experience gained in the last six years was disregarded, and they were about to re-enter upon the policy which that experience had condemned. Then, as regarded pleuro-pneumonia, the late Government issued an Order in Council that all cattle labouring under that disease should be slaughtered, and their owners compensated. It might be doubtful whether this was a judicious proceeding, because, although the Government had the power under the English Act to order such cattle to be slaughtered and the owners to be compensated, yet very considerable doubt existed whether they had the power of compensating the owners of animals slaughtered in Ireland. It seemed injudicious for this reason that although the local authorities in this country might act with the greatest promptitude and decision, it would be in vain for them to attempt to exterminate the disease so long as the trade in cattle with Ireland remained unrestricted and uncontrolled, and no security taken that animals affected with that disease were slaughtered in Ireland. He did not mean to say that there was any greater amount of disease in Ireland than there was in this country; but the question of the soundness of Irish cattle was of the very greatest importance to the farmers of England and Scotland; for Ireland had become the great source of supply of store cattle to these countries. The trade had of late years risen to great magnitude, and the increase in the last two years had been very remarkable: for in 1871 the number of cattle exported from Ireland into Great Britain was 423,364; and it had increased in 1873 to 684,618. It was very evident, therefore, that if the value of these cattle was depreciated, by doubts as to their soundness, even 10 per cent—and he was sure it was not less—it was a very serious matter for all parties concerned. On the other hand, while in 1871 the supply of foreign cattle amounted to 247,426, in 1873 it had fallen off to 198,968. It was therefore very evident that the graziers of this country must look to Ireland in the future for a supply of grazing cattle; and both on behalf of Ireland and of the farmers in England and Scotland he

urged upon the Government, that the policy which had been carried out in this country as regarded pleuro-pneumonia should be followed in Ireland, and that policy thus carried out simultaneously and effectually throughout the whole of the United Kingdom. Complaint had been made in England that success had not attended the efforts to exterminate disease in those counties where slaughtering had been most vigorously carried out. That might be due to several causes. In the first place, any legislation purporting to deal with cattle disease would not be successful unless the farmers cordially and earnestly co-operated in carrying out the law. That he considered to be a fundamental condition necessary for success in dealing with any cattle disease with a view to its extermination. In the next place, very considerable difficulty must arise in regard to the nature of the disease. In those cases where experienced veterinary surgeons were not employed, it was quite possible that ordinary pleuro-pneumonia might be confounded with contagious pleuro-pneumonia, because, except in the more developed cases, great difficulty existed in distinguishing between the two. Then so long as diseased animals were not slaughtered in Ireland, and the practically uncontrolled importation of Irish cattle permitted, diseased animals would be brought into this country, for if diseased cattle were allowed to go on board the vessels, it was not simply these animals which arrived here in a diseased state, but there was great risk of the disease being communicated to the whole of those on board. This brought him to one of the recommendations of the Committee of last year, to which he wished to direct attention. It was that the Irish Government should take steps, by inspection at the ports of embarkation, to prevent shipment to Great Britain of any diseased animals. He understood the Government did take certain measures to this effect, but he had strong reason to believe that there was only a small proportion of the Inspectors employed who were qualified veterinary surgeons. He was quite sure that an increased stringency of inspection on this side would be of no use, because great mischief would be done during the voyage—and the development of the disease was so slow that it would be impossible for the Inspector

Mr. J. W. Barclay

to discover those only recently infected. He thought that inspection should be made as thorough as possible before the animals were put on the vessel. He hoped that the Government, instead of going back to the policy adopted some years ago, would insist on following out the recommendation of the Select Committee of last year—recommendations arrived at after the fullest consideration, and after having heard the views of all parties interested in the subject.

MR. COGAN said, the question under consideration was a most important one, and he hoped the Government would adopt the suggestions of his hon. Friend who had just spoken. The importance of the matter in reference to the interests of Ireland could scarcely be exaggerated. Considerable anxiety had been created by a report that more stringent rules were to be enforced in connection with the import of cattle from that country, and strong feelings were entertained upon the point. The diseases of pleuropneumonia and foot-and-mouth were very different, and required totally different treatment. The restrictions were so very great that it would be quite impossible to put them in force. An Order in Council had been recently made to greatly increase the Inspectors in reference to this subject, which would increase the taxation on the people of this country. In his opinion the cattle about to be exported should be inspected at the port of embarkation, and if found diseased, there slaughtered. Such a course as that would prevent all the mischief which followed when diseased cattle were imported into a country. It would also be for the benefit of the cattle dealers themselves, for it would be a greater hardship to them to have their cattle confiscated, after the cost of the voyage had been incurred, and on the authority of an Inspector, than it would be to have them destroyed at home. The people of Ireland felt it was their interest that their cattle should be healthy; and with regard to pleuropneumonia, great restrictions seemed necessary and required to be enforced. He trusted that the subject would receive full consideration at the hands of the Government.

MR. MARK STEWART said, it was quite necessary that this matter should receive full consideration at the hands

of the Government. The great point was that the inspection should be thorough without unduly interfering with trade; for if the orders were of too stringent a character, great opposition would be raised; and if rigorous regulations were enforced an army of Inspectors would be required, who would have to be maintained at large expense when perhaps there was no disease in the country. Now in all the recommendations of the Select Committee he did not think the House would agree, and one part could not be well considered without taking other parts into account. The Committee advised that no notice should be given by the police of the outbreak of disease. His own experience, as chairman of a local committee, with regard to that matter was, that it was very important that all possible publicity should be given to the outbreak of disease, and that that was one great means of arresting the spread of it. He also maintained that power should be given to the Privy Council to allow the movement of animals for feeding and other purposes necessary for carrying on the operations on a farm. That was a very important matter. He knew a case in which a farmer, in a locality where foot-and-mouth disease was raging, was unable to move some sheep from a field where they were in danger of starving to another where there was plenty of food, because the local authorities were unable to give him permission to do so. There was another point which deserved the attention of the Government, and that was that it was desirable that a higher rate of compensation should be allowed for the slaughter of animals infected with disease than was allowed at present; and that compensation should be given not merely in respect of the value of the animal, but also in respect of the loss which the owner suffered. To illustrate his meaning, he would suppose that a milch cow or the top of the grass was infected with a dangerous disease. Not only would the farmer in that case lose the value of the cow, but he would also lose the value of the produce of that cow, and he believed that if the local authorities had the requisite power they would almost invariably award compensation for the actual loss sustained by the owner. It was, he thought, agreed on all hands that the compensation was at present insufficient,

and not only was it insufficient, but it was also very difficult sometimes to obtain it. The hon. Member for Forfarshire (Mr. Barclay) had spoken of the great importance of having a uniform system of action in enforcing the Order in Council in contiguous districts. He (Mr. Stewart) thought that such an alteration would be a very wise and proper one. His hon. Friend had also spoken of the necessity of careful inspection at the ports of embarkation; in his (Mr. Stewart's) opinion there ought to be the closest inspection on the disembarking of cattle. He lived in a part of Scotland which carried on a very large cattle trade with Ireland, and there was constant danger—he meant danger of infection being introduced into their midst—arising from the peculiar system of husbandry which was practised there. The farmers there never reared any young stock, but bought young stock from a distance as it was required to fill up vacancies. Owing to that system, there was great danger of inroads of disease in connection with importations. For these various reasons, he thought the questions raised by the Motion should be brought more forcibly than they appeared to have been, under the attention of the Government; that the Privy Council Orders should be more carefully attended to, and their practical meaning well worked out before they were sent forth to regulate what was done in different parts of the country. At that period of the Session it might be impossible to make much alteration, but he hoped that next session, at all events, many of the recommendations of the Select Committee would be embodied in the shape of law.

MR. KAVANAGH agreed very much with the spirit of the recommendations of the hon. Member for Forfarshire, though to some part of their wording objection might be taken, and more especially as regarded the proposed restrictions on the transit of cattle between England and Ireland. If it were found possible to assimilate the regulations of Great Britain and Ireland, it would, in his opinion, be very desirable. With regard to the foot-and-mouth disease, most of the restrictions which might be enforced in England were optional with the local authorities. It was hardly to be supposed, therefore, that they were very similar all over England; and, if

so, it would be very difficult to make them similar all over Ireland. With respect to pleuro-pneumonia, he wished the compulsory provisions, as to slaughter, could be extended to Ireland; for there was no doubt that compulsory slaughter and compensation were the only means of stamping it out; but as regarded the foot-and-mouth disease, a pack of foxhounds running through a farm which was infected with it might carry the disease over the whole country, and he did not see how it could be checked unless by perfect isolation. The disease was imported into Ireland by some calves brought over from Cheshire.

MR. EVANS admitted that the interests of all parts of the United Kingdom on this subject were the same. The county of Derby, which he had the honour to represent, would be seriously inconvenienced if the importation of cattle from Ireland were stopped. He agreed with the last speaker that compulsory slaughter with compensation was the best means for stamping out pleuro-pneumonia; but, experience showed that the foot-and-mouth disease might be kept in check, if the Orders in Council respecting it were put in force. He hoped the local authorities would lose no time in taking that course. Although the regulations as to compulsory slaughter were inconvenient, yet, on the whole, the result had been beneficial to Derbyshire, and he thought local authorities should have the power of putting those regulations in force. A strong opinion existed among all those who were engaged in agriculture in Derbyshire that the foot-and-mouth disease was spread more by the railway trucks in which cattle were conveyed than by any other cause, and that it was necessary to have more stringent regulations with regard to railway companies disinfecting those trucks. The matter was, he considered, well worthy the notice of the Department.

LORD ESLINGTON, as a Member of the Council of the Royal Agricultural Society of England supported the spirit of the Resolution, although he did not think that many diseased cattle were exported from Ireland. As a rule, he believed that Irish cattle were sound, and he was not in favour of prohibiting the importation of Irish cattle into this country. The Government were asked by the proposition to enforce a more

Mr. Mark Stewart

vigilant inspection of cattle at the port of embarkation and at the port of landing. Two years ago, the Royal Agricultural Society commissioned their Secretary, a very able man, to make careful investigation for six or eight weeks with regard to the foot-and-mouth disease. The Secretary published a Report of his investigations, which was a textbook on the subject. He ascertained that the disease was the consequence of neglect and of a want of care in the transit of cattle; that the railway trucks were not sufficiently clean; that the animals were very often starved, and then sent long distances without proper attention. The pecuniary losses occasioned by foot-and-mouth disease annually were enormous. It was, therefore, most important that there should be a careful inspection at the ports of landing in this country, and he hoped the Government would seriously consider this matter. It would not do to impose vexatious restrictions on farmers; but such would become necessary if the disease they were discussing got a real hold in this country.

MR. DODSON said, he was of opinion that, as a general rule foot-and-mouth disease might be best left to the farmers themselves, except when, as periodically happened, it appeared in an unusually virulent form, when it might be well to give discretionary power to local authority. He wished to point out that there were great practical difficulties in dealing with the case of Ireland in respect to the slaughter of cattle at the various points suspected to be suffering from pleuro-pneumonia. Those difficulties arose from the system of compensation, from the absence or inadequacy of a local authority in the country, and the obstacles which stood in the way of obtaining properly qualified Inspectors, the result being that it was found necessary to rely on the Constabulary to act in that capacity. There were, no doubt, considerable difficulties, and as hon. Members connected with England and Ireland had now spoken in the matter, he hoped some Member of the Government would at once rise and announce to the House the views which they entertained on the subject.

SIR MICHAEL HICKS-BEACH said, he did not know that he need dwell on the first Resolution which had been placed on the Paper by the hon. Mem-

ber for Forfarshire. If the regulations in Great Britain with respect to the foot-and-mouth disease in cattle were not of an entirely satisfactory character, that was hardly the fault of the Irish Government. There was, at all events, a uniform system in Ireland, which was very much wanted in England, and to the absence of which very many of the difficulties which arose in this country in connection with the subject were attributable. He did not doubt, he might add, that several hon. Members who had spoken in the course of the discussion fully appreciated the difficulties which stood in the way of the compulsory slaughter of cattle for pleuro-pneumonia in Ireland. The right hon. Gentleman who had just spoken referred to the undoubted deficiency in that country of properly qualified Inspectors, who would see that the cattle slaughtered were really affected with pleuro-pneumonia. But he had not alluded to another point which made the difficulties greater, and that was that the funds out of which compensation would have to come in Ireland were levied in the shape of a national rate and not out of the rates of any particular locality, so that many persons might be tempted to slaughter their cattle improperly, because they would not directly feel the burden of having to pay for them. He wished the House to bear those facts in mind before they blamed the Government for not taking hasty action in the matter. Again, if the undoubted want of properly qualified Inspectors were supplied by sending veterinary surgeons over from England with large salaries, an enormous expense would have to be incurred. If such a staff were not established, the Constabulary would have to be employed, and, however well qualified they might be for the discharge of their ordinary duties, he was afraid they would hardly be the most competent persons to distinguish pleuro-pneumonia from any other form of cattle disease. Thus, with the inducement of compensation by the country, there might be a system of slaughter which would be practically unchecked; and there would be, he thought it was evident under those circumstances, great obstacles in the way of applying compulsory slaughter for pleuro-pneumonia to the case of Ireland. Then came the question, whether the system had been successful in those countries to which it had been applied?

He believed it had been tried in several countries of Europe, and had, after a fair trial, been abandoned because of its enormous expense. It had not, he might add, during the time it had been tried in England, nine or ten months, been so successful in checking the spread of pleuro-pneumonia as had been anticipated. The disease, he might further observe, according to recent Returns, furnished by the Veterinary Department of the Irish Government, prevailed only to a very small extent indeed in Ireland. There were, he believed, only 75 separate farms in Ireland in which the disease at present existed. It was said, no doubt, by those connected with agriculture in England, that a great amount of the disease which prevailed in this country was due to its importation from Ireland, but those who were conversant with agriculture in the latter country would not, he believed, concur in that view. He thought it by no means improbable that, owing to the value which was set on Irish cattle in the market, cattle which were sold as such in England and Scotland had never been out of Great Britain. The voyage across the Channel, too, and the change to cold trucks from the heated holds of ships, rendered, he believed, cattle which had not been previously well-fed, liable to contract disease on their arrival in England, and it was hardly fair, therefore, to accept to the full, the statements which were made on this side of the water as to the importation of pleuro-pneumonia from Ireland. As to the system of inspection, he admitted the difficulty of getting proper Inspectors at the ports of embarkation; but the Irish Government had already a staff of Inspectors thus employed, and were prepared to use their best endeavours to improve it. The proper place for the inspection of exported cattle was at the port of exportation. Before any animal was allowed to leave an Irish port it was branded with a mark which would make it possible afterwards, by application to the Veterinary Department of the Irish Government, to find out the date and place of its shipment and the very farm from which it had come, if, on being sold in England or Scotland, it was found to be diseased. But, although that was the case, no single complaint had been made to the Irish Veterinary Department by an English or Scotch

purchaser; and if disease was imported so largely as was alleged, it was strange there had been no complaints. He quite agreed that every possible way should be tried of detecting and checking cattle disease, so long as they did not unduly interfere with a trade which was mutually advantageous both to Ireland and to England, and that it was the duty of the Irish no less than of the English Government to carry out that object in every way compatible with the interest of the country and the economical management of the funds intrusted to their care.

MR. SYNAN held with respect to foot-and-mouth disease that no other measure was necessary than a strict inspection at the ports, and with respect to that there would be no difficulty in finding proper Inspectors, provided they were paid. With regard to pleuro-pneumonia, whenever the police in Ireland learnt that that disease existed on a farm, a cordon was drawn round the farm and no cattle were allowed to leave it. The Irish farmers were in favour of compulsory slaughter, but thought they were entitled to compensation. At present they were practically compelled to slaughter without receiving any compensation. He thanked the right hon. Gentleman for his temperate and sensible speech, which he hoped would allay the panic which seemed to pervade English and Scotch agriculturists. It was wholly a question of liberality as to the application of the Imperial funds for inspection and for compensation to the Irish farmers.

MR. STORER said, if anything could be more disheartening to the English stock-owner than the action of the Privy Council in this matter, it would be the speech of the right hon. Gentleman the Secretary for Ireland. There was an universal concurrence of testimony that the great losses from pleuro-pneumonia in the Eastern, Midland, and Western Counties had been traced to the importation of Irish cattle; and the country demanded that a strict inspection should be maintained in Ireland as well as here, and also a better system of inspection at the ports, both of embarkation and debarcation. It was no use closing their front door against Continental infection, and leaving their back door open to Irish disease. Possibly cattle, healthy when they left Ireland, might sometimes acquire disease on

Sir Michael Hicks-Beach

shipboard and in railways, for he was aware of cases which had arisen apparently in that way; but whatever precautions might be thought necessary, the demand was universal among all reflecting men that the Privy Council should enforce one uniform system in the United Kingdom, instead of leaving independent local authorities to frame different, and sometimes conflicting, regulations, as at present; also, that ships and railway trucks should be effectually cleansed and disinfected, and not become the source of disease, as they too often now were.

VISCOUNT SANDON said, one gratifying result of the discussion had been to show the importance of giving to the Government as much power as possible to inspect cattle both at the ports of embarkation in Ireland and at the ports at which they were disembarked in England and Scotland. On that point the Lord President of the Council was taking very active steps, in conjunction with the Chancellor of the Exchequer, to carry into effect what seemed to be the wish of the House. The Lord President was also giving attention to the question of improving and inspecting the railway trucks used in the conveyance of cattle, and he hoped good results would follow from the steps to be taken in reference to this matter also. With regard to the general question of the treatment of cattle diseases, he should say nothing at that late hour—in the first place, because it was not raised by the Motion of the hon. Member for Forfarshire (Mr. Barclay), and, in the second, because there existed wide difference of opinion among competent authorities on the subject both in that House and out of it. The best authorities were divided on the question whether foot-and-mouth disease should be dealt with by the Government at all; and surely, in face of that great contradiction of opinion, it was not desirable at present to take action upon this branch of the subject. All he could say was that the Lord President would anxiously co-operate with the Irish Government, so as to secure as far as possible similarity of regulations with regard to cattle disease in the two countries. The Lord President would also keep steadily in view the one great principle, that the great object of checking cattle disease was to provide a supply of food for the people rather than to pro-

mote the interest of cattle breeders and dealers.

MR. O'CONOR denied that the general opinion of the House as to inspection went beyond inspection at the port of embarkation, and contended that all the evidence at present taken on the subject had gone to show that Irish cattle were not more extensively subject to disease than animals bred and sold in either England or Scotland. He approved the proposals made by the Chief Secretary for Ireland, and hoped they would be carried into effect without delay.

MR. SHARMAN CRAWFORD said, the precautions taken in the county Down had been effectual in stamping out disease among the cattle there, and he believed very few affected animals were sent from that part of the country either to England or Scotland.

EXCISE — ADULTERATION OF WHISKEY.—OBSERVATIONS.

MR. O'SULLIVAN, in rising to call attention to the system which at present prevails in Her Majesty's Bonding Stores in Ireland of allowing a cheap spirit, which is imported from Scotland, to be mixed in those Stores with Irish whiskey, and re-shipped direct from thence to this Country under Bond, which leads the purchaser to believe he is buying Irish-manufactured whiskey, which practice is calculated to injure the character of the Irish spirit trade, and to move a Resolution on the subject, said, the answer of the Chancellor of the Exchequer previously given on this subject, that the word "mixed" was branded on casks of such spirit, was altogether unsatisfactory, and he hoped to hear from the Government an announcement of a policy more in accordance with what was its obvious duty in the matter. Whiskey was one of the few industries of Ireland, and it was discreditable to the Government of this commercial community that the dishonest practice of introducing an impure spirit into the genuine article should be allowed to take place in the Queen's bonding stores. They had read of two adventurous young gentlemen who were convicted in the City for painting sparrows and selling them as canaries; but he thought that the conduct of the Government was far more serious in allowing inferior Scotch whiskey to be

"painted" with Irish whiskey, and sold as pure Irish manufacture. In the case of the sparrows, it was only a loss of a few shillings to the old lady who was humbugged into purchasing them; but in the case of the whiskey, the "painting" was far more serious, because many a man was sent to an untimely grave by drinking impure spirits. [Laughter.] Well, hon. Gentlemen might laugh; but it was a most important question to Ireland, as it was one of the few remaining branches of Irish industry. It was not a party question—it was a question of justice and fair play. All that he asked was that Parliament should not allow the trade, which was one of the few remaining industries of Ireland, to be destroyed in an insidious way, and its character ruined by foreign whiskey.

SIR PATRICK O'BRIEN thought the subject was one which well deserved consideration by Her Majesty's Government.

THE CHANCELLOR OF THE EXCHEQUER said, he could assure the hon. Member for Limerick that he fully agreed with the statement that the question was one which ought to be considered. In point of fact, however, it had been considered, and was continually attracting the attention of the Government, and it had always received from the Government that attention which was its due. The Government fully recognized the importance of preventing any adulteration of articles sold under one name, but which were really of a different character; and orders had been sent out in the present week which would to a great extent meet the difficulty he had touched upon, but it was impossible for the Government absolutely to guarantee the quality of articles which passed through its hands. All they could undertake to do was, to make it secure that everything should be sent out with a true name and a true description. There was a complaint from one gentleman, who desired that Scotch spirits should not be sent out as Irish spirits, but looking at the whole country it was extremely difficult to maintain the distinction. The aim was, that the produce of a distillery should go out with the name of the distiller upon them; but it was impossible for the Government officers to follow the spirits up into the public-house or the grocer's

Mr. O'Sullivan

shop where they might be sold. Spirits which left the bonded warehouses should go out with their true mark, showing what they were, and after that the public would have to take care of themselves, as they did with reference to other articles. If more stringent regulations could be devised, consistent with the freedom of trade, the Government would be glad to enforce them, but all they could do was to give every security that the true character of the article should be made known.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—considered in Committee.

Committee report Progress; to sit again upon Monday next.

House adjourned at One o'clock,
till Monday next.

HOUSE OF LORDS,

Monday, 29th June, 1874.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Drainage and Improvement of Lands (Ireland) Act (1863) Amendment * (133).
Committee—Report—Elementary Education Provisional Order Confirmation (No. 2) * (108).
Third Reading—Juries (Ireland) * (131); Militia Law Amendment * (110), and passed.

MR. LEONARD EDMUNDS.

PROCEEDING ON PETITION VACATED:

THE EARL OF ROSEBURY: My Lords, on this day week, the 22nd, I presented a Petition from Mr. Leonard Edmunds, and I gave Notice that to-day I would move that it be referred to the Select Committee on the Office of the Clerk of the Parliaments and the Office of the Gentleman Usher of the Black Rod. Recently, since then, I received an intimation from the noble and learned Lord on the Woolsack that the Petition is out of Order, as referring to a debate of last Session, and affects the Privilege of your Lordships' House, as referring to a Member of this House. I need not say for myself, my Lords, that had I been aware of this—and being only a young Member of your Lordships' House, I was not aware of it—I would not have presented the Petition; and Mr. Edmunds authorizes me to say that if he had known it would be out of Order as presented, he

would have drawn it in another form. I now beg to ask leave to withdraw the Petition.

The House being informed that the said Petition, presented on Monday last, and ordered to lie on the Table, contains remarks animadverting on statements made in a former debate in this House: Ordered that the said proceeding be vacated.

EDUCATION DEPARTMENT.

QUESTION.

LORD HAMPTON said, he had given Notice to ask his noble Friend the President of the Council certain Questions relating to the Education Department. While under the Endowed Schools Act and the schemes drawn up by the Endowed Schools Commissioners a good deal had been done for middle-class education, so far as extending the benefits of the schools themselves, little or nothing had been done in the way of training teachers for those schools. This was a matter of great importance. In various parts of England there were training colleges in which teachers were prepared for the schools of the humbler classes. This was as it should be; but the system ought to be extended upwards. The College of Preceptors had made a representation on this subject. He was not aware that anything like a system for providing trained teachers for the middle classes existed. The first Question therefore he had to ask his noble Friend the Lord President of the Council was, whether he intend to take any measures founded on the representations submitted to him by the deputation from the College of Preceptors, on the 16th of April, with a view to the better and more professional training of teachers for upper and middle class schools? Their Lordships had no doubt read a statement reported to have been made by Lord Sandon with respect to the irregular attendance of children in inspected schools. That statement was well calculated to excite the attention of the country. He therefore begged to ask his noble Friend whether he confirmed the statement reported to have been made by the Vice President of the Council to the following effect:—

"Now, as to attendance. Of the 800,000 infants, 400,000 had not attended half a-year—viz., the 250 times necessary to get the grant; of the 1,400,000 between seven and thirteen, 500,000 had not attended half a-year, or the 250 attendances necessary for the grant. Thus, out of 2,200,000 on the books, 900,000 had not

attended for even half a-year. If the attendance was so bad in the inspected schools, what was it likely to be in the non-inspected schools. This irregular attendance of the children was the most important fact in the educational survey of the country, and it explained the poor results that were obtained from our immense expenditure."

If his noble Friend could confirm that statement he would ask further, whether the Education Department had in contemplation any measures intended to correct the serious evil of irregular attendance?

EARL NELSON said, that he presided the other day at a rather important meeting of school teachers and managers of Church of England schools, and in a discussion on the question of compulsory attendance in schools it was stated, that in London and elsewhere there was very great difficulty in bringing compulsion to bear in regard to scholars, and that when the children were got into the schools there was still greater difficulty in securing their continuous attendance. It was further stated that there was less difficulty in obtaining the attendance in denominational schools that were not compulsory than in compulsion schools—it was said that the absences in the latter exceeded by 5 per cent those in the former in which no compulsion was used, and the statement was illustrated by references to London and Wigan. It was said that there were two classes who succeeded in defying the compulsory orders—the very poor and migratory who evaded the law, and the others rich colliers who paid the fines and thought nothing of them. He himself believed that the regular attendance of children at the schools could only be brought about by combination between managers and those interested in education in each particular district; and the course pursued by Messrs. Parkins and Gotto, who employed a great number of boys, in engaging the boys, not directly from their parents, but from the schools, would tend to the same beneficial end.

The DUKE OF RICHMOND said, he was not prepared to go into the points raised by the observations of the noble Earl who had just spoken, because he had had no Notice of them. In reply to the first Question of his noble Friend (Lord Hampton), he had to say that he was not prepared with any measure founded on the representations submitted to him by the deputation from the College of Preceptors. He quite recognized the

importance of having well-trained masters not for the lower, or the middle, or the upper class schools exclusively, but for all schools of whatever class, and if they wanted properly trained masters they must have properly trained teachers. As he understood the gentlemen who composed the deputation, they suggested a system of registration and a provision that no person who had not passed a certain examination and whose name was not on the register should be allowed to teach. He was not prepared to carry out that plan, which he thought was somewhat crude. He did not believe the country was prepared for such coercive measures in respect to school-masters. In reply to his noble Friend's second Question, he had to state that his noble Friend (Viscount Sandon) was quite correctly reported; and he (the Duke of Richmond) had arrived at the same conclusion as his noble Friend, and thought the state of things described by him was anything but satisfactory. For some time past the Department had been anxiously looking to it in connection with the various Acts which provided for the sending of children to school. His noble Friend was aware that the subject of compulsion was dealt with by the Factory Acts, the Agricultural Children's Act, which was passed last year, and the measure which provided that Boards of Guardians who gave out-door relief should see that the children receiving it were sent to school; and, lastly, there was the Act establishing the School Board System. The Department was watching with great anxiety the working and development of these several Acts of Parliament. He was sure his noble Friend (Lord Hampton) must know that the question of compulsion was a difficult one to deal with, and he did not think the Government ought to further interfere with it by way of legislation unless they were prepared with a well-digested scheme. He was aware that he was giving an unsatisfactory answer to his noble Friend so far as legislative measures were concerned; but he would repeat that the subject of attendance at schools occupied the attention of the Department, who were anxious that the education of the country should be carried out in the most thorough and efficient manner.

LORD LYTTTELTON said, he was in favour of a system of training colleges

The Duke of Richmond

for the teachers of middle-class schools, and he hoped the subject would engage the attention of the Government and of those who were to succeed him and his Colleagues as Endowed Schools Commissioners. The subject had not escaped the attention of the present Commissioners; but the difficulty in the way of their doing anything in that direction had been great. The Report of the Commission which led to the appointment of the Endowed Schools Commission did not express any distinct view on this subject. It was no doubt within the scope of the Endowed Schools Act that training colleges should be established for middle class schools; but the Commissioners found it practically impossible to divert endowments from their present local application to what was a national purpose, and, consequently, they had no fund for the establishment of such colleges. He would, however, strongly recommend their successors on the Commission and the Government to keep the object in view. On the other point, he wished to express his assent to the principle of compulsion, which he believed would be best applied in an indirect form.

LORD LAWRENCE said, that of 67,000 children on the books of the London School Board, 47,000, or 70 per cent, attended. That, he thought, was a very fair attendance, and it had been brought about by looking up the children and bringing pressure to bear on the parents.

House adjourned at a quarter before
Six o'clock, 'till to-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, 29th June, 1874.

MINUTES.]—SUPPLY—considered in Committee
Resolutions [June 25] reported.

PUBLIC BILLS—Ordered—*First Reading*—Irish
Reproductive Loan Fund* [183].

First Reading—Supreme Court of Judicature
Act (1873) Amendment* [179]; Tramways
Provisional Orders Confirmation* [182].

Second Reading—Statute Law Revision* [163];
Evidence Law Amendment (Scotland)* [165];
Pier and Harbour Orders Confirmation*
[169]; Land Drainage Provisional Order*
[170]; Local Government Board's Provisional
Orders Confirmation (No. 3)* [172]; Herring
Fishery (Close Time) (Scotland)* [167].

Referred to Select Committee—Shannon Navigation * [157].

Committee—Report—Valuation of Property * [98-180]; *Friendly Societies* * [140-181].

Third Reading—Factories (Health of Women, &c.) * [115], and passed.

PALACE OF WESTMINSTER—
FRESCOS IN THE HOUSE OF LORDS.
QUESTION.

MR. HANKEY asked the First Commissioner of Works, If there is any reason why the eight frescoes in the passage leading to the House of Lords should not be covered with glass, in the same way as the eight frescoes in the corresponding passage leading to the House of Commons, by which glazing the latter frescoes appear to have been considerably preserved; and, if there is no objection, whether he will give directions to have both sets of frescoes placed in the same position?

LORD HENRY LENNOX, in reply, said, that he had taken the opportunity of communicating with Mr. Cope, R.A., with reference to the covering with glass the eight frescoes in the passage leading from the House of Lords, who expressed his conviction that the glazing of the frescoes might be desirable. There would be no objection to the course proposed by his hon. Friend, provided Mr. Cope would consent to re-touch the pictures in the parts which had become deteriorated by exposure. He felt sure Mr. Cope would be happy to undertake that, and as soon as it was done he (Lord Henry Lennox) would give orders for the frescoes to be covered with glass.

INDIA—KIRWEE PRIZE ACCOUNTS.

QUESTION.

SIR SEYMOUR FITZGERALD asked the Under Secretary of State for India, Whether he can state when the Kirwee prize accounts, which have been for so many years in preparation, will be produced; and, whether he has had under his consideration the great weight of legal authority by which the further prize claims of the late Sir G. C. Whitlock's force are supported?

LORD GEORGE HAMILTON: Sir, the Government of India were requested in July last year to prepare what it is hoped will be a final account of the Banda and Kirwee Prize Fund. Some questions raised by the prize agents with reference to the accounts were sent to

India for report last March, and the consideration of these has probably delayed the preparation of the accounts. The Secretary of State, before giving his decision on the various claims which from time to time have been brought to his notice with reference to this prize, has carefully considered all evidence, including, of course, legal opinions, which has been submitted to him. The claims of the force under the late Sir G. C. Whitlock are consequently included.

DOMINION OF CANADA—
THE CANADIAN MINISTRY.

QUESTION.

MR. E. JENKINS: Sir, seeing the right hon. Gentleman the First Lord of the Treasury in his place, I wish to ask him a Question of which I have given him private Notice. I wish to call his attention to an article which appeared in *The Standard* this morning impugning the loyalty of the present Canadian Ministry, and to ask whether the following paragraph expresses the views of Her Majesty's Government:—

"Shall we do the Brown-Mackenzie Ministry any injustice in supposing that this prospect was held out deliberately as a bait to the American Government—that they have with fore-knowledge bargained away the independence of their country—that they have designed the Reciprocity Treaty as the instrument for 'cutting the painter'?" Taken in connection with their policy in regard to the Pacific Railway, it is hard to resist the conviction that the present Canadian Ministry have conceived the idea of separating from the Empire and of attaching the Dominion to the United States. The money they have grudged to the construction of the Pacific Railway we find them willing to contribute towards the extension of the canals intended for the convenience of the American trade. When it is an Imperial scheme they are called upon to support we perceive them to be cold and niggardly. When it is a project for the immediate aggrandisement of the provinces which support their policy, involving prospective benefits to the States, we discover them to be liberal to prodigality. It is impossible that there can be any other than one conclusion from all this. The policy of the present so-called Liberal Government of Canada aims at the speedy solution of the ties which bind that country to Great Britain."

I would ask the right hon. Gentleman, Whether the Government have any ground for considering that the Canadian Ministry have any of the designs indicated in this paragraph?

MR. DISRAELI: Sir, the hon. Gentleman has referred to a leading article

in *The Standard* newspaper, and wishes to know whether it expresses the views of Her Majesty's Government. Sir, I have only to say that when Her Majesty's Government wish to express their views, they will express them in the two Houses of Parliament. The hon. Gentleman also inquires whether Her Majesty's Government are aware of any ground for attributing to the Canadian Ministry the designs indicated in the article he has read. I need only say, Sir, that I do not think it the duty of Her Majesty's Ministers to supply grounds for allegations contained in anonymous articles. However, Sir, as I am on my legs, I am glad to be permitted to add that nothing can be more cordial and friendly than the relations between Her Majesty's Government and the Government of the Dominion of Canada.

SUPPLY.

Resolutions [June 25] reported.

(1.) "That a sum, not exceeding £85,442, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, for the Salaries and Expenses of the British Museum, including the amount required for Furniture, Fittings, &c."

(2.) "That a Supplementary sum, not exceeding £35,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1875, in aid of Colonial Local Revenue, and for the Salaries and Allowances of Governors, &c., and for other Expenses in certain Colonies."

Motion made, and Question proposed, "That the said Resolutions be now read a second time."

SLAVERY ON THE GOLD COAST.

RESOLUTION.

MR. EVELYN ASHLEY, in rising to move, as an Amendment, to leave out from the word "That" to the end of the Question, in order to add the words—

"In the opinion of this House, no arrangements for the government of the territories on the Gold Coast will be satisfactory which involve the recognition of slavery in any form,"

said, an evening organ of party opinion had within the last few days made the observation that in bringing this matter forward, he (Mr. Evelyn Ashley) was

Mr. Disraeli

prompted by mere selfish ambition. If the ambition to be the instrument of placing on record a Resolution which might elicit from the Government some decided expression of opinion, and some plan which the House could understand and lay hold of to put a stop to slavery on the Gold Coast of Africa, was a mere selfish ambition, he pleaded guilty to the charge. This was his only object, and he therefore hoped that Her Majesty's Government would, either by explaining their plan to the House or by frankly accepting his Resolution, afford him the satisfaction of attaining his object. It had also been said that he was guilty of gross inconsistency in bringing his Motion forward after having voted with the Government on the Amendment of the hon. Member for King's County (Sir Patrick O'Brien). He could see no inconsistency in that. He supported Her Majesty's Government, because he agreed with them in thinking that the country would be faithless to her obligations if she precipitately retired from the Gold Coast; but he supported the Government, with the hope that they would remain for the present on the Coast to do their duty, and not to shirk it; to discharge all their responsibilities, and not merely to claim their rights; to maintain the honour of their flag, and not to tarnish it by tampering with the system of slavery which existed on the Coast. He hoped to be able to show that, whether they looked to the merits of the case, or to the tone adopted by the Government in the enunciations made on the subject, there was ample cause for passing such a Resolution as the one he now proposed. The hon. Member for the City of York (Mr. J. Lowther), who represented the Colonial Office in that House, had on two occasions spoken upon this subject with brevity, but at the same time with great ability; and he (Mr. Evelyn Ashley) might remark, in passing, that he could have been satisfied with a little less ability if there had been more distinctness of purpose about the utterances. On the first occasion the hon. Gentleman, when alluding to those hon. Members of the House, and persons outside it who expressed themselves strongly to the effect, that some marked step ought to be taken for the abolition of slavery, applied to them the phrase "mawkish philanthropists." The hon. Member was, no doubt,

speaking for himself, and if he regretted the expression soon after it was used, it was the more incumbent upon him to take the first opportunity, which offered, in order to give a distinct intimation that what he had previously said was a slip of the tongue, and was neither his own conviction, nor the conviction of the Government. But he appealed to the House to say whether the hon. Member had given them any such consolation. In the few words the hon. Member addressed to the House, he dealt with the question in an evasive manner, and drew almost all his weapons of defence from the armoury of *non possumus*—*non possumus* for a strong Government!—*non possumus* which had been, rightly or wrongly, often supposed to communicate by a secret door with *nolumus*. One of his objects in putting his Motion on the Paper was, that foreign countries might hear from the Treasury Bench something to lead them to suppose that when Her Majesty's Government said—"We are not able" they did not really mean—"We are not willing." The Resolution was an abstract Resolution, and he knew the objection entertained by the House to Motions of the kind; but he had always understood that the objection was based on the opinion that those who supported them were bound to a course of conduct which when the time for action came, might be found inexpedient or, at any rate, difficult to carry out. With regard to this Resolution, would any hon. Member object to being committed to the declaration, that no government for the territories of the Gold Coast would be satisfactory which involved the recognition of slavery in any form? There was not only no danger in pledging themselves to that, but everything demanded that they should do so; so that surely nothing of the kind could be alleged against that Resolution. The Under Secretary for the Colonies had said there was no recognition of slavery in the administrative scheme which the Government were about to carry out. If that were the case, then that Resolution would not hamper them, but would only declare to the whole world, that they were determined to have nothing to do with the institution of slavery. He wished to point out that whatever had been the state of things in the past, they were now taking an entirely new departure

in regard to the question, and in doing so he would briefly describe the position under which the Government lay. After emerging from a most successful war, we were about to re-organize the whole of that country, to define and extend its territorial jurisdiction, to unite to the dominion of Cape Coast Castle, Lagos, a Crown colony, where slavery was not tolerated. Therefore, they were about to introduce into a hybrid Protectorate a territory where slavery was not tolerated, and place it side by side with a territory where slavery was tolerated. Since the late Ashantee War, England on the Gold Coast was in a very analogous position to that of a new Ministry returned with a powerful majority after an appeal to the country, and on whom it was incumbent to have a decided policy. By our successful campaign we had so established our prestige on that Coast, that we could do what we liked; we might now abolish slavery if we chose, but next year, or the year after, we might not be able to do so. And when the hon. Gentleman the Under Secretary told them he was for gradual emancipation, he heartily agreed with him; but he did not believe in the gradual without gradation; he did not believe in the gradual, unless he knew what the first step was. The speech made in "another place" by the noble Earl at the head of the Colonial Office (the Earl of Carnarvon) was admirable in tone and right in sentiment; but the House must not be satisfied with mere expressions of sentiment and right feeling. Let the Government clearly state what their first step was to be. Were they to forbid the bringing of slaves from Ashantee to the Gold Coast? Were the slaves to be free henceforth, or was some date to be fixed for the purpose; or were the Judges no longer to be employed to enforce the Slave Laws backed by the power of England? Upon these points, the House was utterly in the dark, and it would not be satisfied with any expression of sentiment which did not shadow forth some step to be taken. He did not deny that there had been forms of slavery far worse than that existing at present on the Gold Coast. The influence of the "judicial assessors" had greatly modified the cruelty and severity of the earlier forms of slavery; but he unhesitatingly asserted that

slavery did exist at present on the Gold Coast to all intents and purposes, as far as principle was concerned, as liable to condemnation as that which we spent £20,000,000 in 1833 to get rid of in the West Indies. The reports from those who had visited that country showed that there was open barter and sale, recapture under English authority, and that although there was no slave trade by sea to those stations on the West African Coast, there was a large trade of that kind from the interior; and there was no distinction in principle between such a traffic carried on by water and one carried on by land, nor did he believe there was much difference in the sufferings entailed. Slavery degraded the whole social system of African life, and rendered the introduction of civilized influences more difficult than it otherwise would be. When those statements were laid before the Earl of Carnarvon, by the Aboriginal Protection Society, he refused to believe them, and replied that there must be some misapprehension of fact in the matter. It was, however, confirmed by a despatch of Sir Richard Macdonnell. He did not wish when treating of this matter to indulge in anything of a sensational character; but he might mention, that when the Houssas were leaving Cape Coast some women, who had been slaves, accompanied them, but were reclaimed by their mistresses, and he was sorry to say that the judicial assessor acknowledged the validity of the claim, and sent them back to slavery. It was true that they were not claimed as slaves, but upon the charge of having stolen the clothes which they wore. As they could not well escape in a state of nakedness, there was no easier charge to bring against them than that of stealing wearing apparel, and thus their chances of escape from bondage were considerably lessened. He might add that it was stated that the women went back of their own accord, upon the persuasion of the judicial assessor; but whether that were so or not, they had this fact—that an English Judge had been employed in restoring to slavery two women who had escaped. By tolerating that system of slavery on the Gold Coast we were raising up for ourselves very great practical difficulty, and independently of the feeling of humanity, it involved other considerations. Captain Glover, in one of his despatches

Mr. Evelyn Ashley

to Sir Garnet Wolseley, said, that finding slavery a recognized institution in the Protectorate, he had been obliged to pay £5 for every Houssa he enlisted when raising troops to defend the Settlement from the attacks of the Ashantees where any claim was made by the master. In one case, too, one of his recruits came in with a staple on his leg, and with the marks of irons on his arms and wrists. He also said he considered it a subject for future consideration and settlement by Her Majesty's Government. That was his own (Mr. Ashley's) opinion; and he wanted to know whether Her Majesty's Government had considered it and resolved on some settlement of the question. In reply to Captain Glover's despatch, Lord Kimberley said that while making every allowance for the difficulty of the situation, he could not authorize any further payments. He would be glad to learn from the hon. Member for York (Mr. J. Lowther) whether the Government intended to pay £5 for each of the 1,100 Houssas they intended to keep on the Coast. Why, the Gold Coast Corps which existed some years ago was abandoned, because the Duke of Newcastle would not consent to recognize slavery by buying the men from their masters. The circumstances of the case showed that there was not a moment to be lost in taking advantage of the existing state of things with the view of terminating slavery on the Gold Coast, whether on the ground of humanity, reason, or common sense. The internal traffic in slaves brought from the Ashantee country which had ceased during the war, had been renewed and directly encouraged by the action of our arms; and he could not impress too strongly on the House that the present was a new point of departure, and that we were in an exceptionally favourable position for bringing the traffic to an end. The present Government, too, were for another reason better able to deal effectively with this question than their Predecessors. Until the late war, the people of this country knew little about the affairs of the Coast; but with the knowledge they had now obtained, they would willingly applaud and support any efforts which the Government might make for the rescue of these slaves. There was no question in this matter about spending a million sterling, for

the population was only 250,000, and when they remembered that the best slaves cost only £5, they might be sure that the extreme sum required would not exceed £100,000. But there was in reality no necessity for spending any money at all. All that was required was, that no English Judge should be permitted to enforce the law for the recovery of slaves, and that no slaves should be allowed to be brought from the interior and to be sold at Cape Coast. When that was done, slavery would soon cease without any disturbance of social arrangements; but let that course be delayed, or let us trust to a gradual decay of the traffic, and we should soon find that the work of liberation would not be so easy, as the slaves would, under the increasing prosperity of the country, become fifty times more valuable, being employed to a large extent in making of roads, and in the cultivation of the land, and their emancipation could not then be accomplished, as it could now, without social disturbance. Let us take time by the forelock, and get rid once for all of this detestable incubus. The Chiefs had, meanwhile, forfeited their claims to consideration, and we were free to deal with them as we liked. Lord Kimberley, in a despatch to Sir Garnet Wolseley, said that the native Kings had conducted themselves so badly, that Her Majesty's Government would not feel themselves bound to consult them in future arrangements, and would place the affairs of the Gold Coast on such a footing as they might deem best. He ventured to suggest to Her Majesty's Government that that footing should comprise the abolition of slavery. When the hon. Member for the City of York told the House that there were great difficulties in the way, it should be remembered that even in connection with affairs on the Gold Coast, we had overcome greater difficulties still, for when we first went to the Gold Coast, human sacrifices were as frequent and general as they now were at Coomassie. Those sacrifices were abolished by a single stroke of the pen. He had been taunted good-humouredly by some of his hon. Friends on the other side, with having abandoned the principles of the great statesman with whom he had been so long associated, and with having allied himself to those whom his hon. Friends

called "anarchical revolutionists." But he would ask in reply, whether there was any doubt on which side Lord Palmerston would have recorded his vote, if this Resolution had been proposed in his presence? In some eloquent words which he used on that subject, that statesman said there were no people so unfortunate or so forlorn that they did not turn a look of hope towards England; and that he knew no other nation ready to take our place—what he asked was, whether we were now about to abandon our place in the world? What he desired was, that the Government on the Gold Coast should be real and substantial. In reality, however, we had a Crown Colony there in everything but the name, and it was only called a Protectorate in order that slavery might not cease. The general character of this country depended upon the course which we pursued in relation to this question; and Russia, whom we had been in the habit of considering inferior to ourselves in civilization, had within the last few months set us an example for imitation. The first thing the Emperor of Russia did after the capture of Khiva was to call upon the Khan to emancipate every slave in his dominions. He did not trust to the influence of time and of increasing civilization, but declared at once that slavery would not be tolerated in any place where his power was known. The result was, a decree in which the Khan emancipated every slave of whatever description. With regard to Egypt, there had not till this time been any official announcement of the freedom of the slaves in that country; but he held in his hand a project for their emancipation, which though not strictly an official paper, had been published in an Alexandrian journal, *Le Nil*, and it was known that nothing was allowed in Egypt to appear without official leave. With these two examples before them, were they to hold back their hand, and wait and think, and not act at once? How should we answer the Sultan of Zanzibar if, on our putting pressure upon him for the purpose of having slavery suppressed, he said to us, "It is all very well to ask me to do this, because I am on the East Coast; but you yourselves have slavery on the West Coast, and your Judges sit there restoring the slaves to their masters." He challenged Her

Majesty's Government to name a single dependency of the British Crown in which slavery in any form was tolerated. Now, however, it was proposed to make one exception, but he saw no reason for such a course of procedure. Having gone so far up the hill, were we to begin now to retrace our steps? The course which they proposed to pursue with regard to the Gold Coast amounted to a distinct recognition of the continuance of slavery by this country. It was a case in which the credit of England was involved, and for his own part he had sooner we abandoned the Gold Coast altogether, than continue to recognize the slave trade within the territory under our protection. So long ago as the reign of Queen Elizabeth the Judges of the land came to a solemn decision that the air of England was too pure for a slave to breathe, and if we could not clear the physical atmosphere of the Gold Coast and make it as pure as our own, we might, at all events, in respect of slavery, clear the moral atmosphere. He trusted Her Majesty's Government would bring forward some distinct plan whereby we should get rid of that territory of an institution which was both injurious to man and foreign to our religion, and which had been condemned by our fathers.—The hon. Gentleman concluded by moving the Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, no arrangements for the government of the territories on the Gold Coast will be satisfactory which involve the recognition of slavery in any form,"—*(Mr. Ashley,)*

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. J. LOWTHER said, he desired at once to refer to a particular part of the speech of the hon. and learned Member. Two speeches which, with the indulgence of the House, he had delivered, had been discussed by the hon. and learned Gentleman, who had remarked, with regard to them, that they possessed one characteristic in common—namely, great brevity. Now, brevity was the soul of wit, and in listening to the hon. and learned Member he really began to hope that he had himself been

brief; but he was sorry to be reminded of the fact that his first speech occupied no less than 35 minutes. [*Mr. Evelyn Ashley* remarked that he had referred only to the remarks about slavery.] He had understood the observation in a more general sense. There was another word which the hon. and learned Member had used with regard to the second speech. He had spoken of it as evasive. This was a more serious charge than that of brevity, and he thought the House would grant him some indulgence, while he ventured to recall to their minds what he really had said on the occasion in question with respect to slavery. He fully acquitted the hon. and learned Gentleman of the slightest wish to misrepresent him, and did so all the more readily because the hon. and learned Member was among those who had been fortunate enough to escape the infliction of hearing either of the speeches delivered. He had taken the precaution of refreshing his memory as to what he had said, by a reference to a remarkably accurate report of the debate of last Thursday, which appeared in a journal to which they were constantly in the habit of referring for authentic records of their proceedings. In the course of his speech on that occasion, he said—in the words of that report—

"Unhappily, domestic slavery was an institution on the Gold Coast. Some hon. Members would say it was the easiest thing in the world to put down that or any other institution. He regretted that many who on other subjects were rational and reasonable, apparently lost all self-possession and practical sagacity on the subject of slavery, and diminished the value of their counsels by laying down crude theories which would not stand the test of experience. If we were to insist on the total and immediate abolition of slavery on the Gold Coast, the Government must ask, not for £35,000, but for a sum in excess of the cost of the war against the King of Ashantee—they must ask for something like a million either to compensate the owners of the slaves or to maintain troops for carrying on another war. It would be perfectly impossible to put down an institution like this, which had taken so firm a hold upon the minds and habits of the people, without a large occupying force and comprehensive measures of repression. In reply to those who said we should not consider any of these questions in dealing with a matter of principle, he would say he would not advocate any attempt to repeat in West Africa an experiment which had been tried not many thousand miles from the House, in governing one country according to the ideas of that country when they ran counter, not only to the ideas of the majority of the people of the United Kingdom, but also to the first and elementary princi-

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ples of right and justice. He would not advocate the government of the Gold Coast according to Ashantee ideas; but it must be manifest no statesman would be justified in attempting to carry out preconceived ideas and theories, however just and sound, when they ran counter to every conceivable idea which had entered into the minds of the natives they were called upon to rule. Therefore, the Government proposed to seek the gradual—he hoped he should not be understood to mean the tardy—abolition of domestic slavery. It must be understood that this was a question in reference to which time and the officers proposed to be sent out must have the opportunity of making an impression upon the feelings, prejudices, and ideas of the natives, and the House must not expect that it could be settled in a day.”—[*The Times*, June 26.]

He appealed to the House to say whether these observations could fairly be characterized as either brief or evasive? Now, what were the comments passed upon that speech by hon. Gentlemen who, less fortunate than the hon. and learned Member for Poole, sat there for the three-quarters of an hour during which it was his painful duty to inflict his remarks upon the House? He would classify those hon. Gentlemen under two categories—namely, the official and the non-official, including in the former those who had been Members of the late Government. Dealing first with the non-official, he would point out that his hon. Friend the Member for Tamworth (Mr. Hanbury) had in no way misunderstood what he said on the subject of slavery. The same remark applied to the hon. Member for Hackney (Mr. J. Holms), who criticized, at once with great fairness and freedom, many portions of the scheme which was submitted to the House. The hon. Member for Carlisle (Sir Wilfrid Lawson) represented the Vote, no doubt, as one to enable Her Majesty's Government to establish slavery in Africa; but in fairness, it must be added that the hon. Baronet declared almost in the same breath that champagne and civilization were convertible terms, and he (Sir Wilfrid Lawson) joined in the merriment which these announcements very naturally called forth. The hon. Member further said that it was all very well to speak of “domestic slavery,” but that the character of slavery could not be changed by the selection of an adjective for the purpose of qualifying it. To this point he (Mr. Lowther) would have occasion to refer at a later period. Meanwhile, he desired only to point out that the hon. Baronet had not put the same construc-

tion upon his observations with regard to slavery as hon. Gentlemen who, like the hon. and learned Member for Poole, had not heard him. The right hon. Member for Liskeard (Mr. Horsman), on the same occasion, discussed the policy of the Government, and referred to his (Mr. Lowther's) own humble exertions to place the matter properly before the House, in terms for which he took this opportunity of sincerely thanking him. No misconception crossed the mind of the right hon. Gentleman as to the policy of the Government with regard to slavery. The hon. Member for Lambeth (Mr. W. M'Arthur), who was well known as a leading and most respected member of the Anti-Slavery Society and the Aborigines Protection Society, and of many others which aimed at philanthropic objects, not only expressed the opinion that the communication which had been made to the House on the part of the Government was eminently satisfactory—an opinion which, coming from such an authority, must be heard with respect—but read passages which he had received from friends who, equally with himself, took a prominent interest in such subjects, and who distinctly expressed approval of the proposed gradual suppression of slavery. As to the hon. Member for Tynemouth (Mr. T. E. Smith), who like the hon. and learned Member for Poole, had been fortunate enough to be engaged elsewhere at the time he (Mr. Lowther) was addressing the House, all that need be said was, that, like others who followed him, he did not understand a speech he had not heard. He would not detain the House with further references to what had fallen from non-official Members. Coming to the other category, he would allude to the remarks which had proceeded from the front bench opposite. The right hon. Member for Sandwich (Mr. Knatchbull-Hugessen), in a very candid speech, expressed on behalf of the late Administration, approval of the policy which it was proposed to pursue on the Gold Coast. What followed the speech of the right hon. Gentleman? There then occurred a scene of a kind which till the present Session had been unprecedented. During the course of this Session, however, whenever a right hon. Gentleman had risen in his place on the front bench opposite, and expressed a strong opinion in favour of one course of

action, he was followed, as a natural consequence, by another right hon. Gentleman on the same bench, who, in the exercise of his liberty of thought, expressed an opinion directly opposite. Under the circumstances, it was, perhaps, not surprising that on the occasion to which he was referring, a right hon. Gentleman, although sitting beside the late Under Secretary for the Colonies, found it impossible to agree with him. But there were peculiar circumstances, of which it was right to remind the House, with regard to the speech of the late Under Secretary. The House would recollect that while the speech it had been his (Mr. Lowther's) duty to make the other night, was to a great extent, in its essential features, a reproduction of a statement that had been made in "another place" by his noble Friend the Secretary of State for the Colonies, the approbation expressed by the right hon. Member for Sandwich of the policy of the Government, was a reproduction to an equal extent of a speech delivered in "another place" by the noble Earl the late Secretary of State for the Colonies. The speech of the late Under Secretary was, in fact, a re-echo of the approbation accorded to the policy of Government by Lord Kimberley. Well, what followed upon this? Why, up rose the right hon. Gentleman the Member for the City of London (Mr. Goschen), in his capacity as one of the Commissioners for executing the office of Leader of Her Majesty's Opposition, and without a word of apology, or a word of explanation, he proceeded to throw over his brother Commissioner and to throw over his late Colleague, Lord Kimberley. [Mr. Goschen: Nothing of the kind.] Although the right hon. Gentleman had not heard his (Mr. Lowther's) speech, he had heard that of his hon. Colleague, in which he expressed general approval of the policy of Her Majesty's Government, reserving to himself the right of subsequent criticism. [Mr. Goschen: Read mine.] He had not been able to avail himself of any authentic record of the right hon. Gentleman's speech; but this he knew, that the right hon. Gentleman took him to task for having used the term "domestic slavery," and he added that the subject was one which he thought had not been fully considered by Her Majesty's Government. His right hon. Friend the Member for Sand-

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wich distinctly referred to domestic slavery, and did not disapprove of the statement referred to. [Mr. Knatchbull-Hugessen: I did not hear that part of the speech.] The right hon. Gentleman was apparently one of the fortunate ones. However, his hon. Friend the Member for Carlisle and the right hon. Gentleman the Member for the City charged him with inventing the term, and with having applied it as a convenient adjective to describe a system which he did not sufficiently condemn. That fact rendered it necessary for him to briefly call attention to the past history of the question. There appeared, he should first say, to be some confusion throughout the speeches of the hon. and learned Member for Poole and the right hon. Gentleman the Member for the City, between the system which prevailed in ports under the British flag and in the adjacent districts. The distinction could not be too definitely drawn. In their Report the Committee which sat in 1842 on the West African Settlements said—

"It is to be remembered that our compulsory authority is strictly limited, both by our title and by the instructions of the Colonial Office to the British Ports, within which no one but the Governor, his suite, and the garrison reside, and that the magistrates are strictly prohibited from exercising jurisdiction even over the natives and districts immediately under the influence and protection of the forts. All jurisdiction over the natives beyond that point must, therefore, be considered as optional."

They went on to say—

"Their relation to the English Crown should be not the allegiance of subjects, to which we have no right to pretend and which it would entail an inconvenient responsibility to possess, but the deference of weaker Powers to a stronger and more enlightened neighbour, whose protection and counsel they seek, and to whom they are bound by certain definite obligations."

And again—

"In this arrangement we should find the solution of our difficulty in regard to domestic slavery."

That was written in 1842, when he was about a year and a half old, and he was therefore a little astonished to find the right hon. Gentleman the Member for Carlisle and the right hon. Gentleman the Member for the City had so little studied the subject as to think that he was entitled to claim the authorship of the phrase in question.

Mr. GOSCHEN: I never suggested it. I did suggest that the hon. Member

did not distinguish between the two points.

SIR WILFRID LAWSON: I never charged the hon. Gentleman with being the author of the phrase. I only charged him with using an adjective to explain the system.

MR. J. LOWTHER only desired to show that he was not the author of the phrase and was not responsible for describing the system as domestic slavery. He would now call attention to a despatch written in July of the year 1841 by a noble Lord, whose opinion was always received with the utmost respect at both sides of the House, and whose authority naturally had great weight with hon. Gentlemen opposite. Lord John Russell, in a Despatch dated the 14th of July, 1841, to Governor Maclean, said—

“Her Majesty’s dominion on the Coast is, as I understand, of very narrow local range. If I am correctly informed, it extends only to the forts themselves. Whatever influence Great Britain may exercise beyond those precincts, my supposition is that beyond the very walls of the forts there is no sovereignty, properly speaking, vested in the British Crown, but that the whole adjacent country is subject to the dominion of the native Powers. My information on this subject may be defective or erroneous; but if I am rightly informed respecting it, it follows that within the fort of Cape Coast Castle a different rule of law regarding slavery may prevail from that which exists beyond those limits. Within them the Statute 3 and 4 William IV., cap. 73, is unquestionably in force. Beyond them it is not so. . . . With regard to persons living in the vicinity but not within the British dominion, the same rule does not apply. If the laws or usages of those countries tolerate slavery, we have no right to set aside those laws or usages except by persuasion, negotiation, and other peaceful means.”

Such was the opinion of Lord John Russell. He now came to a more recent period, as to which he could claim to have personal knowledge, and the right hon. Gentleman opposite could assist him by verifying what he was about to say. On the 3rd of February, 1866, Lord Cardwell, who was then Secretary for the Colonies—the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) occupying the position of Under Secretary, and the right hon. Gentleman the Member for the City of London being then a Member of the Cabinet—wrote a Despatch to Governor Blackall, in which he said—

“But there is a serious question which has been pending since our occupation of Lagos, which your appointment as Governor and Com-

mander-in-Chief over the West African Settlements will, I hope, enable you to bring to a close—namely, the existence of domestic slavery in British territory, and the grant of compensation for the liberation of slaves. I need scarcely remark that this state of things is inconsistent with the provisions of the Imperial Act, which has made all the Queen’s dominions free soil; and I am fully aware of the extreme difficulty which a Governor must encounter in having to assume the control of a territory under British jurisdiction in which domestic slavery, as in every part of Africa, is a constituent element in the fabric of society.”

MR. GOSCHEN said, he would remind the hon. Gentleman that he had left out an important line in the middle of a passage in the Despatch.

MR. LOWTHER said, he did not pretend to read the whole Despatch, but he was ready to do so if the right hon. Gentleman so desired.

MR. GOSCHEN said, that it would be sufficient if the hon. Gentleman would read the passage to the House completely, to which he had referred.

MR. LOWTHER then read the passage referred to, supplementing his previous omission thus—

“The Imperial Act of the 3rd and 4th William IV., c. 73, which has made all the Queen’s dominions free soil, and by which every person in Lagos has been free since the occupation.”

He had complied with the request of the right hon. Gentleman, and was willing to read more Despatches, if the right hon. Gentleman desired it. He had read for the sake of brevity, and had only troubled the House with what he deemed essential. Passing over some eight or ten paragraphs in the Despatch, he came now to the concluding portion of it. Lord Cardwell then said—

“But the readiest and most effectual way of escaping from all these embarrassments is to confine British territory within the smallest compass which may be practicable; and if it should be found that British law cannot be fully established in the island of Lagos, and in the towns occupied by us, we must confine the area of British territory, as at the Gold Coast, to the land occupied by the Government buildings, constituting the rest of the territory acquired from Docemo, a Protectorate where our influence could be used to soften and gradually destroy slavery, without our authority being called on to abolish it.”

Those were the views of Lord Cardwell at that time; and before he (Mr. J. Lowther) left the subject of the opinion of former Governments, he would like to draw the attention of the House to a very brief extract from a Despatch of

the Earl of Kimberley. In a Despatch dated the 12th of January, 1872, Lord Kimberley said—

"The position of the British Government in the Protectorate is that of influence over people who are not British subjects; and while every means should be taken to induce the natives to desist from such practices as those reported by the Acting Administrator, it does not appear to me that it is advisable to interfere by direct legislation."

He (Mr. J. Lowther) hoped he had made clear to the House that the distinction which Her Majesty's Government had drawn between *bond fide* British territory, where slavery never had and never would be allowed to exist, and territory which was commonly called the Protectorate, was simply that which had been fully recognized by the late Government, and he must say that if any other course ought to be adopted with regard to our relations with West Africa, the time for making suggestions on the subject might well be said to have passed. He should like also to remind the House that at the termination of the late War, there were four courses which presented themselves to the Government with reference to this territory. The first course was the abandonment both of the Coast towns and the Protectorate. The second was the retention of possessions on the Coast, combined with the abandonment of the Protectorate. The third was the extension of what he might call *bond fide* territory, through what had hitherto been known as the Protectorate. That was a policy which had been described as the establishment of an African empire. The fourth was the course which Her Majesty's Government had continued to follow—namely, the retention of the Coast towns as *bond fide* British territory, tempered with the exercise of a Protectorate over certain portions of the interior. As to the first course, it was very fairly and ably advocated by the hon. Member for Hackney and the hon. Member for Carlisle, but that proposition did not elicit approbation from any considerable section of the House, and there was no division upon it. As to the second course—namely, the retention of the Coast towns, but an abandonment of the Protectorate—that would be found to be equally as impossible as the first course, because its adoption would involve us in a direct breach of faith with the tribes with whom we had entered into relations

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during the late war. As to the third course—namely, the establishment of the British Empire throughout the whole of the Protectorate—that plan was never seriously discussed by any public writer, or by anybody inside or outside the Houses of Parliament, and he thought it was entirely visionary. What remained was simply the plan which Her Majesty's Government had adopted and recommended to Parliament—namely, the continuance of the Protectorate, with the introduction of such reforms, alterations, and modifications as recent experience dictated. As to the criticism of the hon. and learned Member for Poole upon one of his (Mr. J. Lowther's) speeches, which the hon. and learned Gentleman admitted he did not hear, and in which he complained of the use of the words "mawkish philanthropy" as applied to those who were opposed to the continuance of slavery, the remarks in question were not applied to those who wished to put down the institution of slavery, but were made in consequence of the hon. Baronet the Member for Carlisle saying that the Government would be soon coming down to ask for a Vote to enable them to penetrate all the strongholds of Satan on the African Continent. He had replied that the Government had no intention of asking for a Vote for any such purpose, and would not be guided by any sentiments of mawkish philanthropy. As to a further criticism with regard to the Assessors' Courts, he would not attempt to justify the system which had been in force in respect to those Courts, and for which the late Government must be held to be responsible. He had said, on the contrary, that one of their first endeavours would be the reform of the judicial arrangements in the Settlements, among which the reform of the Assessors' Courts would take a foremost place. They intended, however, that the reform of an intricate system should be preceded by a judicious inquiry, and without pledging himself to the form which the new judicial system would assume, he could assure the House that this subject had not been overlooked, and that it was the intention of the Government, as soon as they could obtain the necessary Report on which to found their action, to establish such a new system for the administration of the law, as should afford protection from a

recurrence of the abuse which had been pointed out in that debate. In conclusion, he had only to say, that in those statements with regard to domestic slavery, which was the question more particularly before the House on that occasion, Her Majesty's Government had been, still was, and still would be, most anxious to determine how this great question would be met; and that it was impossible for any hon. Member of that House to be more impressed than were the Secretary of State and himself with the necessity of providing an early remedy that would remove so great a curse from the African Settlements.

Mr. GOSCHEN said, the hon. Gentleman the Under Secretary of State for the Colonies, who had addressed the House in a most able, amusing, and good-tempered speech, had alluded to the debate or last Thursday, and it was, therefore, necessary briefly to follow him into that part of the question. He hoped, however, the House would not lose sight of the very important nature of the Amendment before it, by discussing the relative conduct of hon. Gentlemen on either side of the House. With regard to himself, he entirely denied—and he hoped the hon. Member would accept his denial—that there was any difference of opinion between his right hon. Friend the Member for Sandwich (Mr. Knatchbull-Hugessen) and himself. They both approved the policy of the Government in remaining on the Gold Coast, and he (Mr. Goschen) had a right to complain that the hon. Member did not quote any part of his speech. [Mr. J. LOWTHER said he was unable to obtain a copy of the speech.] The newspapers were at the disposal of the hon. Member, and in every one of them both himself and his right hon. Friend were reported to have expressed a general approval of the policy of Her Majesty's Government in reference to the question. It was, therefore, unfair to say that any difference of opinion existed between himself and his right hon. Friend, who both warned the Government in almost the same terms with regard to the question of slavery. The hon. Gentleman had also stated that when the hon. Member for Lambeth (Mr. M'Arthur) spoke on the question of slavery, he ought to be heard with respect; but it was matter of fact that on Thursday evening the hon. Member was refused a hearing by

Gentlemen on the opposite side of the House. It was on account of the attitude of hon. Gentlemen opposite and of the mode in which the question of slavery was regarded by the House generally, that he warned the Government that the question was too important to be slurred over. He thought the Government, instead of being offended, ought to be glad that another opportunity had been afforded them of ascertaining the views of the House upon the question; and the House ought also to be glad that on the present occasion they had heard more with regard to the administration of the Gold Coast than had previously been laid before Parliament. They had learnt for the first time that Her Majesty's Government intended to continue the Protectorate upon the same footing as hitherto, our possessions being limited to the Forts. He did not entirely endorse the emphatic statement of his hon. and learned friend the Member for Poole (Mr. Ashley) that the existence of the Protectorate enabled domestic slavery to be continued, and that it would cease under a different form of government; but on this he wished to say that the hon. Gentleman the Under Secretary was reading from a Despatch of Lord Cardwell's and omitted a line, no doubt unintentionally, but which stated the effect of the annexation of Lagos—namely, that every slave had *ipso facto* become free; and that had an important bearing on the question they were discussing. When the Government of Lagos was assumed, that occurred which the hon. and learned Member for Poole now desired should happen, the cessation of slavery there. The House would see, therefore, that the closest and most exact distinction must be drawn between the relations of England with parts of the country which had become her "possessions," and what was called the Protectorate; and it must also be remembered that Lagos was a British possession and was not in the position of a Protectorate. Taken as a whole, then, the changes to be effected seemed to be separation from Sierra Leone, union between the Gold Coast Settlement and Lagos, a transfer of the capital to another place, the substitution of Houssa police for the present force, and certain judicial reforms. With regard to the latter point, he should like to know

whether the Government intended to accept in its integrity, a memorandum made in 1857, with reference to Cape Coast Castle, which stated that no Judicial Assessors should, on any account whatever, compel or order a slave to return to his master; that on cruelty being proved against a master, the slave should become free; and that in other cases the Court should decline to adjudicate. It was important that this debate should have taken place, if for no other reason, at least for this—that Her Majesty's Government should disavow the argument which had been put forward by their Representatives both in that House and "another place," that the question of slavery could not be dealt with on account of the millions of money which would be involved in its abolition. If it was made a question of money, any Government which took the line of argument to which he had alluded would be distinctly falsifying all that had ever been said or done by England in reference to this question. The question was no doubt a difficult one, but greater difficulties had been overcome in connection with the question of slavery in other quarters, and England would be unable, with any hope of success, to continue her campaign against slavery, if her Government argued the question of slavery on the Gold Coast on monetary grounds. What would our Mahometan subjects say, who had been taught that slavery could not be continued, if we shrunk from applying to this part of the Gold Coast the doctrine which we had held elsewhere? Despatches had been quoted, written in 1842, 1856, and in 1862; but he would ask the House, whether there was not a great difference between our position then and that in which we stood after the conclusion of the Ashantee War? Was not that a time for us to make a new start? When the Government came down with a new policy and laid it before Parliament and the country, was not this precisely the time to look the question in the face? Domestic slavery was, after all, only a modified form of that hateful traffic which was repugnant to the feeling of this country; and however hard it might be to deal with the difficulties involved, he considered that the Government were now placed in such a position that they could suppress the slave trade effectually. If they intended to do so, he thought that

they should give the House some more definite information as to their policy than had yet been given. To say that that modification deprived it of a great portion of the horrors and atrocities accompanying that traffic, and that we might do more harm than good by its abolition, was an argument that it was impossible to urge in that House. Such an argument could not be used, because it was inconsistent with the doctrines we had been urging on other Powers for so many years past. Foreign countries were not always disposed to believe in the philanthropic sincerity of Great Britain, and you could not converse with any one on the Continent who did not believe there was an immense amount of insincerity and humbug in the views England had taken upon this question. In fact, the opinion prevailed in many parts of the world, that it was only when our own interests were involved that we called upon other countries to make great sacrifices, and to place themselves in the most inconvenient positions in order to do away with slavery. What, then, would those countries say when they saw that the Colonial Minister talked of the gradual abolition of slavery and said that it would cost a great deal of money? Now, we had a new start, and he thought the House might assist the Government in coming to a right decision. If the course proposed by the hon. Gentleman opposite were adopted, and if the local officers were consulted, the answers would be to the effect that the difficulties were so insuperable that the thing could not be done; but if the House of Commons backed up the Government and said that the question ought to be dealt with at the present time, the task of the Government would be enormously lightened. It was not for hon. Members on that side of the House to state the precise line which her Majesty's Government should take, but they were entitled to ask for an assurance from Her Majesty's Government that no steps would be taken which, in the words of the Motion of the hon. and learned Member for Poole, involved a recognition of slavery in any form. If the Government did not mean to make such recognition, let them accept the Resolution. If they did, they ought to let the House understand clearly, under what forms and conditions slavery was to continue to

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exist in the Protectorate. Whatever course, however, the Government might adopt, the House ought first to know what change of arrangements the Government proposed, and then hon. Members would be able to come to a decision upon it. The Government would strengthen its own hands if it adopted the Motion proposed by his hon. and learned Friend, for in what he had said there was no hostility whatever to the Government, which had a most difficult task to perform. He believed, however, they would secure the support of the country in carrying out their proposals on the Gold Coast if they frankly recognized the great importance of this subject,—if they did not endeavour to slur it over by indistinct utterances, and if they placed before the country a policy which was sound and straightforward.

THE CHANCELLOR OF THE EXCHEQUER said, if the Government complained at all of the course taken by hon. and right hon. Gentlemen opposite it was not on the ground of their acting in a spirit of hostility towards the Government. In the first place the Government had no reason to believe that that was the case, and in the second, they fully recognized that in a matter of this importance the question of hostility to the Government ought to be as nothing in the eyes of those who came forward to support a cause in which—as the right hon. Gentleman who had just sat down said, and said truly—the honour and character of England were so deeply interested. But what the Government did complain of, and what they thought they had reason to complain of, was that, considering the importance of the case and how much there was at stake, the right hon. Gentleman the Member for the City and the hon. and learned Member for Poole made proposals which indicated that they had taken but a cursory and imperfect view of the real state of affairs. As for the hon. and learned Member for Poole, he had but recently entered the House, and therefore he (the Chancellor of the Exchequer) should not so much complain of him; but he was supported and followed by a right hon. Gentleman—and he hoped the right hon. Gentleman would forgive him for saying so—who ought to have known better the real state of the case. When the discussion was raised, the first question one asked oneself was “What is pre-

cisely the object with which this Amendment is brought forward?” If the hon. and learned Member for Poole, bearing an honoured name, and having every right to take an interest in such a matter, had been told by those who had been attending to the subject, that the question of the policy of England in relation to slavery was raised, and that it seemed as though England were going back a step in the great career in which she had achieved so much honour, anyone could understand why the hon. and learned Gentleman should state in indignant terms that the House of Commons and the country were opposed to any such backward step. Although he was surprised to find that the hon. and learned Gentleman thought it necessary to come forward on this occasion, yet, when he listened to his speech and noticed what were his ideas, he perceived how it was that the hon. and learned Gentleman imagined this question was one of importance. One of the earliest expressions he used was with reference to bringing Lagos into what he called “this hybrid Protectorate.” The hon. and learned Gentleman pointed out that at that present moment Lagos was British territory, and that every man there was a freeman; and he seemed to think that by the new constitution, Lagos was about to be brought into a system in which they would be deprived of that freedom.

MR. EVELYN ASHLEY said, what he intended to express was that it would be a parti-coloured Protectorate—half-free and half-slave.

THE CHANCELLOR OF THE EXCHEQUER remarked that that was exactly the point on which the hon. and learned Gentleman entirely misunderstood the situation. No portion whatever of British territory formed or would form part of the Protectorate. The hon. and learned Gentleman had mixed up two things which ought to be kept distinct. There was, in the first place, the British territory—Cape Coast Castle, Lagos, and other Settlements on the Coast. In these freedom had prevailed since the passing of the Emancipation Act, and there it must by the law of England continue to prevail. There was no danger of that freedom being at all lessened. But what were we going to do in regard to the Protectorate? This was a difficult and delicate ques-

tion. We had had to deal with it for a great number of years, and as his hon. Friend the Under Secretary for the Colonies had pointed out, we had all along had great difficulties to contend with. Something had been said by the right hon. Gentleman the Member for the City in qualification of his hon. Friend's remarks in regard to the Judicial Assessor, and certain instructions dating back to the year 1857 had been cited. He would refer the right hon. Gentleman to a later document, which he ought to be aware of, as it bore the date of 1873, when he himself was in office. The following extract was from a communication made to Sir Garnet Wolseley by Mr. James Marshall, Chief Magistrate and Judicial Assessor, in December, 1873 :—

"One of the most important duties of the Judicial Assessor's Court since its foundation, and which has been constantly recognized in Committees of the House of Commons on West African affairs, has been the regulation, as far as has been possible, of the system of what is called domestic slavery, which exists among all the tribes which compose the British Protectorate. This duty involves the recognition and regulation of the rights of the masters as well as the protection of the servants."

That was a state of the case which overrode the quotations of 1857; and what was the occasion of this statement being made? It was the occasion of a slave being taken away out of, he thought, a British ship, and taken back under the authority of the Judicial Assessor.

Mr. GOSCHEN explained that he did not allude to the Memorandum of 1857 as governing the relations between this country and the Gold Coast. What he asked was, whether the Government accepted the spirit embodied in that document.

THE CHANCELLOR OF THE EXCHEQUER said, that was the spirit in which Her Majesty's Government intended to deal with the question, and in which they announced that they intended to deal with it. If those who brought forward the Motion had said that the Government ought to take the Protectorate under their immediate control, turn it into a Crown Colony, and establish an African Empire, he could have understood their demand that slavery should be at once put down in the same way as it was effected in Trinidad, Jamaica, and the West Indies generally. But that was not the course which they

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recommended the Government to take. They said, "Do something with regard to this matter," but they did not venture to suggest what should be done. They said that the Government were neglecting the subject, but he could assure the House that there was no foundation for such an assertion, and he could not understand how it could have been made after the statement that had been made by his noble Friend the other night in "another place." A few evenings ago the Under Secretary for the Colonies, in the debate which took place in an exceedingly thin House, in referring to this subject, had pointed out that it was unnecessary for him to travel over all the ground which had been gone over by Lord Carnarvon, because the statement of the noble Lord had been very widely circulated, and therefore those who took an interest in the question must be thoroughly acquainted with it. He should have thought the right hon. Gentleman the Member for the City, who had taken so distinguished a part in this discussion, would really have thought it worth his while to read in some form or other the speech which had been delivered by the Secretary for the Colonies. [Mr. GOSCHEN said, that he had quoted a passage from that speech.] In that case, if the right hon. Gentleman had read the speech of the noble Lord at all, he must have done so with exceedingly little profit, because he had said that it had been announced for the first time in the debate of that evening that the Government thought that the old state of things as between the British Government and the Protectorate was to be continued. But the statement of Lord Carnarvon was as follows:—

"Your Lordships will see that Her Majesty's Government propose to retain, as far as territorial jurisdiction goes, the Protectorate pretty much as it stands. Committees of the House of Commons at different times have held different language as to the extent of territorial power which we exercise—and the Colonial Office, perhaps, has not been more consistent, but, on the whole, it seems to me that though some increase is inevitable in order to carry out a more effective administration, the present limits of our territorial power should not be enlarged more than is absolutely necessary."—[3 *Hansard*, cccix., 166-7.]

The noble Lord expressed his views on the subject of slavery thus :—

"Nor is it possible in the consideration of this branch of the question to forget that domestic slavery exists. Slavery in any form is so utterly

repugnant to all our principles that it must be the object of a Minister as soon as he can to extinguish it. It is also a constant source of embarrassment; but though difficulties are brought about by native slavery, on the other hand, the difficulties involved in an immediate and compulsory emancipation of slaves would be still greater. Unless Parliament is prepared in such case to do that which is fair, to look upon the slave as property and vote a compensation—which probably would not be far short of £1,000,000 sterling—I hardly see how you can deal effectually and honestly with that subject; but if slavery were immediately abolished, the necessary results would be an increase of our obligations, our expenditure, and of the complications in these territories. I am bound to add that I believe the hardship to the slave has been largely and happily reduced. When Dr. Madden was sent out in 1841 by Lord John Russell, who was then Colonial Secretary, he reported that the slaves absolutely refused to be liberated unless the Government would undertake to provide food. This, of course, is not conclusive, but it shows at least how full of difficulties this question is. I would gladly lay down such rules as would pave the way to the ultimate, and, indeed, to the early extinction of slavery, but anything sweeping in the way of compulsory emancipation seems to me at this moment more calculated to enhance the difficulties with which we have to deal, and even to worsen the lot of the slave, than a gradual and cautious way of dealing with it."—[*Ibid.*, 166.]

The question was not one of money; it was whether England should undertake a task which would tax her utmost energies to accomplish—a task in attempting to accomplish which she might very materially worsen the position of the slave and bring about great complications and difficulties, merely for the purpose of accomplishing that at a later date which the Government hoped to accomplish earlier by other means. The hon. and learned Member for Poole had referred to the great influence which England had exercised in putting an end to the atrocious human sacrifices and other inhuman customs on the Gold Coast, and it was by the exercise of similar influences that the Government hoped to extinguish slavery there. The subject was not one which Her Majesty's Government were neglecting, and those who sat on the Ministerial side of the House were not willing to concede to the right hon. Gentleman and his Friends opposite the monopoly which they claimed of hatred to slavery.

SIR PATRICK O'BRIEN was of opinion that there was but little to choose between the policies adopted by the two great parties in the House relative to those West African proceedings. Successive Committees of that

House had reported upon the subject; but neither party took action upon the Report of the Committee of 1864, presided over as it was by a Member of the present Government (Sir Charles Adelerley). He (Sir Patrick O'Brien) agreed with the Under Secretary for the Colonies (Mr. J. Lowther) that the British public were not sufficiently instructed in the proceedings which had taken place for years past on the Gold Coast. Were the pigeon-holes of the Colonial Office emptied, and their contents disclosed to the people, a very different feeling would prevail regarding the course adopted by the Government. Through the courtesy of the hon. Gentleman (Mr. J. Lowther), he was permitted to look over several documents in the Record Office connected with the Gold Coast, and, with the permission of the House, he would read an extract from a remarkable Paper written in 1843 by the then hon. Member for Weymouth (Mr. Hope), and then Under Secretary for the Colonies, upon this matter, in reply to Mr. Steven, an *employé* of the Colonial Office. He wrote—

"The Committee of Merchants, being established by despatch, may be abrogated by despatch. . . . The judicial officer having to execute beyond the Queen's dominions justice not law, his jurisdiction does not require a legal basis—an Act of Parliament might render it legal within its local range of authority; but how to frame such an Act is, I suppose, an insoluble problem. We are about to make an usurpation which the goodness of our motives and the necessity of the case are to justify, and I suppose that such a justification would not be improved by an abortive attempt to give a semblance of law to that which is lawless. If the white Judge is fit for his employment, he will not be critical about his commission. . . . It would answer no good purpose to trouble Lord Stanley with an argument to prove that the recommendations of the Committee are wrong, not in details, but in their essence. . . . But to what end trouble you with a discussion of the nature of those African settlements to our commerce, or that their utility in preventing the slave trade is enormously exaggerated—that, in fact, they are nothing else than factories kept up at the expense of the nation at large for the profit of half-a-dozen inconsiderable merchants." &c.

This was the opinion of one of our ablest Colonial Secretaries—that opinion had been upheld by subsequent Committees, all reporting against any intervention upon our part. The only administration which ever appeared to have succeeded was that of the British Merchant Committee, with Maclean as their

Administrator. At a cost of some £4,000 a year, they preserved peace and concord upon the Coast, whereas some years before, under the Governmental administration, the cost amounted to £27,000 per annum. For his part, he should have preferred having recourse to that factory system of the merchants which had proved to be calculated to preserve peace and order in Africa.

Mr. W. E. FORSTER said, he wished to make a few observations on the speech of his right hon. Friend the Chancellor of the Exchequer. Any question relating to slavery was one which came home to the honour of this country, and he believed there was on the present occasion a general desire on both sides of the House to be in perfect agreement with reference to it. His right hon. Friend the Chancellor of the Exchequer stated that he very much wondered that hon. Members sitting on the Opposition benches could in any way sanction the Amendment of the hon. and learned Member for Poole. The right hon. Gentleman himself, however, must, he thought, be rather glad that the Amendment had been moved, inasmuch as it had led the Under Secretary for the Colonies more clearly to describe the views entertained by the Government. The right hon. Gentleman could hardly be aware of the extent to which the House and the country were interested in the subject, and why, he would ask, under the circumstances, did the Government object to the Amendment? They might protest against such an Amendment being pressed upon them; but then, they could at once remove any difficulty which might exist on that ground, by stating that in consequence of the fresh start which the late war had given us, there would for the future be no recognition of slavery in our West African Settlements under any form. He was aware of the difficulties which were connected with the question—difficulties which he was willing to admit the present had inherited from previous Governments. We had, however, gained great experience by the events of the late war, and all that the House now invited the Government to do was to take advantage of that experience, and not to think they were doing sufficient if they proceeded upon the old footing. There was one lesson, at all events, which we ought by this time to have learnt, and

that was that we should prevent any recognition of slavery. Of course, he was not unmindful of the difficulties which were connected with the question of the fugitive slave. Cases had come before the judicial assessor in which the question of property in the slave was involved, and with regard to the point, there was a regulation once made by an official on the Gold Coast, to the effect that in cases where cruelty existed slavery should be at once abolished; but where it was not exercised, things should remain as they were. It had, however, been found by almost every administrator of the Colony nearly impossible to carry out that regulation. That clearly showed, he thought, that we must now take bolder and higher ground, and declare positively that we should not recognize slavery in any country over which we exercised direct or indirect jurisdiction. Beyond that the Amendment did not go; and he believed Lord Carnarvon was as anxious to act upon the policy which it expressed as any hon. Member in that House. Why, then, should the Government hesitate to give his hon. Friend the assurances for which he asked? The Under Secretary for the Colonies, he might add, had alluded to a Despatch of Mr. Cardwell with respect to the state of affairs at Lagos. He (Mr. W. E. Forster) was a Member of the Committee which sat on the subject, and facts were laid before it which showed that there was a large number of slaves not only in the territory annexed to it, but in Lagos itself. Well, the Committee strongly recommended to the Government that an end should be put to that state of things, and Mr. Cardwell sent out a Despatch in which he stated that it was contrary to British Law that there should be any slaves in Lagos, and it was distinctly pointed out that we would give up no fugitive slave. Great difficulties were experienced in carrying out that policy, but there were now no slaves in Lagos. But our position on the Gold Coast was much stronger than it had ever been in that Colony, for we had entirely defeated our opponent on the Coast, and we had the full right to make our own conditions. Nothing, therefore, could, in his opinion, be more reasonable, or, in an economical point of view, better for the country than that we should take advantage of the position in which we had been placed by the

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late war, make a new start in the direction indicated by the Amendment, and loudly declare that under no conditions whatever would this country recognize or permit slavery, be it domestic or otherwise.

MR. DISRAELI: The right hon. Gentleman who has just spoken says the Amendment of the hon. and learned Member for Poole is one with respect to which both sides of the House are agreed. If he means by that, that throughout the House generally there is an unanimity of opinion that it is not only the duty, but the pride of this country to discourage slavery in every way and form possible, then I admit the right hon. Gentleman is right, and that there is an unanimity of opinion on both sides of the House. But when we are asked to accept a Resolution, it becomes necessary that we should examine its terms with somewhat of criticism. Now, I confess, when I read this Amendment, I am at a loss to find in it that precision of meaning which it is so desirable should exist when a Resolution is to be unanimously adopted. We are asked to declare—

"That, in the opinion of this House, no arrangements for the government of the territories on the Gold Coast will be satisfactory which involve the recognition of slavery in any form."

Well, I should very much like to know what the word "recognition" means, and what it is upon which we are really asked to pronounce a decision. "Recognition" is a word so vague, so large, and so loose that it may mean anything or everything. And what are the circumstances under which the Amendment is moved? The House of Commons has by an overwhelming majority approved the policy of the Government with respect to the Gold Coast. It has voted the means of carrying that policy into effect. What is the state of the business at present? We are on the Report of that Vote, and now the right hon. Gentleman who has just sat down asks what on earth is the reason why we object to the Amendment. Why, independent of my objection to the vagueness and indefiniteness of the language of it, the unsatisfactory engagements in which it would involve the country—if really the country has at heart, as I believe it has, the wish that slavery should be abolished even in those territories which are not included in the Gold Coast,

but where we necessarily exercise an influence — irrespective, I say, of those reasons, I have this objection to the Amendment—that if the House were to accept it, it would be assuming that the Government are not going to do that which the Amendment recommends. I object to it, because it is an obstacle to our receiving the Report of a Vote which has already been agreed to, and which we obtained for the purpose of carrying our policy into effect. If the Amendment be accepted, it will be an indication on the part of the House that it cannot trust us to pursue a course of policy which is in conformity with the general opinion of hon. Members on both sides. We have been told throughout this debate, that some critical circumstances have now occurred in regard to our position on the Gold Coast to give us a new starting point to put down slavery. But when the country has been just agitated by a war, and great excitement prevails, it does not seem to me to be a moment peculiarly fitted to inaugurate a new policy on the Gold Coast. The time when the late Government inaugurated their new policy, when they entered into those Treaties with the Dutch Government, when they accepted the Dutch Forts—that was the time when the late Government might have come forward and reviewed their position. The country was then at peace, and the Government might have facilitated and advanced their views. But to pretend now that we are in a new position appears to me to be a view which is not justified by the circumstances. The changes in our position are adverse to the policy which the House is asked to accept. No doubt, the state in which the country is now placed requires the most cautious and careful handling, but that was not the case when the late Government purchased, and took over those Forts and Settlements, and when they had an opportunity of introducing changes. I cannot do otherwise than advise the House to act with great caution at this moment. The suppression of slavery must be a common object on both sides of the House, and the question is, whether we shall proceed with caution, and by the means already pursued, or whether we shall have recourse to an act of violence. It comes to that. Let me read the House a passage from a Despatch which is upon the Table. It is

dated November 3, 1870, and is from Sir Arthur Kennedy, the Governor of Sierra Leone, and is addressed to Lord Kimberley. It was written at the time when we were taking over these Forts and Settlements from the Dutch. Sir Arthur Kennedy said—"That very mild institution, slavery, is curing itself daily, and any violent interference with it would be most disastrous." That was the advice of Sir Arthur Kennedy, an experienced and intelligent man, and it was advice upon which Lord Kimberley acted when the Government took over the Dutch Settlements and had the opportunity of introducing a new course of policy. The late Government being assured that slavery was curing itself daily, resolved that they would not have recourse to any violence. I trust that the House will not cancel that policy of the late Government, and that it will view this question as one requiring the utmost caution and management, and I also hope that the House will give to the present Government in their attempt to establish a new system of administration on the Gold Coast, that fair play and that fair chance to which they are entitled. I can say that the Government have given to this question many anxious hours. We have engaged the services of persons eminently qualified to carry our arrangements into effect, and we believe that there is a chance, with prudence, of rendering these Settlements advantageous and not dishonourable to this country. We also believe that it is possible to terminate that institution which Sir Arthur Kennedy says is daily dying out. Of this, however, we are confident—that unless the House supports us at this moment, and if this should be turned into a party question, it will offer an obstacle to our plans of the most serious character, and that speedy abolition of slavery—not, it is true, carried on in territories belonging to our Sovereign, but which are still more or less under our influence—which we all desire, will not be accomplished; but the consequence will be that the institution will be long protracted and ultimately strengthened.

Mr. WHITBREAD wished that his hon. and learned Friend (Mr. Ashley) would ask himself what would be the result if he pressed his Amendment to a division. That was a question upon which any division in the British Par-

liament would be watched very closely and carefully in other countries, and if he could believe for a moment that the feelings and opinions of the two opposite sides of the House on the question of slavery at all differed, it might be necessary to maintain the views held on that—the Opposition—side of the House as distinct from the other. But hon. Gentlemen on the opposite benches were quite as anxious to promote the abolition of slavery as themselves; if they were not, the Government would not deserve or retain the confidence of the country for an hour. Until the Prime Minister took part in this debate he did not think the language of the Government had been as precise and definite as could be wished. The right hon. Gentleman, however, in saying that his objection to the Resolution was, that if it passed, it would imply that the Government were unwilling to do the very thing the Resolution itself proposed, used language clearly implying that the Government intended to do what the Amendment called upon them to do. He believed that he had not misinterpreted the right hon. Gentleman; if so, he could rise and tell him so. It would be a sad thing to show the world outside that there could be any division on this point. The right hon. Gentleman said that the Amendment was vague; but he understood it to mean that it recognized the position which this country had hitherto held in regard to slavery on the West Coast. There had been a possibility of a charge being brought against us that, while forcing other countries to abolish slavery, we were not so careful ourselves as we ought to be. What was wanted, therefore, was that no stone should be cast at this country, and that so far as our judicial officers were concerned, they should not adjudicate upon these questions. The House would shortly see what the Government did in the matter, and if it did not come up to their professions and to the language held that night, there would be time to make some Motion on the subject. For those reasons, his hon. and learned Friend the Member for Poole would be well advised if he abstained from dividing the House. If he went to a division and found a large majority against him, it would act mischievously, and very much increase the difficulty of dealing with the question of slavery on the West Coast of Africa.

Mr. Disraeli

MR. EVELYN ASHLEY said, he did not wish to do any mischief. As the right hon. Gentleman had held forth the hope of a speedy abolition of slavery on the Coast, he should be sorry to press his Amendment to a division.

Question put, and *agreed to*.

Main Question, "That the said Resolutions be now read a second time," put, and *agreed to*.

Resolutions read a second time, and *agreed to*.

VALUATION OF PROPERTY BILL.

(*Mr. Sclater-Booth, Mr. Clare Read.*)

[BILL 98.] COMMITTEE.

[*Progress 19th June.*]

Bill considered in Committee.

(In the Committee.)

Clause 3 (Abolition of certain exemptions from rating).

Amendment proposed, in page 1, line 20, after the word "to," to insert the word "all."—(*Sir George Jenkinson.*)

Question proposed, "That the word 'all' be there inserted."

SIR GEORGE JENKINSON, who had another Amendment on the Paper, consequent to, and depending upon, the Question before the Committee, asked the Chairman if at that stage he was at liberty to propose it?

THE CHAIRMAN said, that when a similar question had been raised at the last sitting, he had entertained some doubt whether the hon. Baronet could put such an Amendment without an express notification of the consent of the Crown. In the last century it had been the practice to signify the consent of the Crown to such an Amendment when reported to the House. And it was now not unusual to postpone such a notification—without which a Bill thus amended could not pass—until even a later stage. He did not, therefore, think—although the point was not altogether clear—that he should be warranted in stopping the discussion of such an Amendment in the Committee.

SIR GEORGE JENKINSON said, the subsequent Amendment referred to, was in page 1, line 20, after "land," to insert "including Crown property." He was glad to hear the ruling just laid down. The Bill purported to amend

the Act of Elizabeth and extend its provisions to hereditaments other than those mentioned in that Act. He could not, however, understand why it should not extend to property belonging to the Crown, although it was said the assent of the Crown would be required. The Treasury Minute which had been issued, it was said, would answer the purpose he had in view; but the assent of the Crown must have been obtained before that Minute was issued, and by embodying the principle of the Treasury Minute in the Bill, they would make it imperative on all future Governments to act upon it. Otherwise, if a Treasury Minute only were acted upon, there would be nothing to prevent any future Government from issuing another Treasury Minute in an opposite direction.

SIR THOMAS BAZLEY said, there was a strong feeling in Lancashire in favour of taxing all property indifferently for local expenses, and he believed the time had now arrived when Crown property should no longer be exempt. He should therefore support the Amendment.

MR. SCLATER-BOOTH said, his objection to the Amendment was, that it touched a part of a great question without touching the whole. It must be remembered that, when he introduced the Bill, he said it was necessary for him to take the Bill as it passed through the late Parliament, with the omission of the clause relating to Government property, which he had not had time to consider, and on that account he proposed an alternative arrangement which seemed to be acceptable to the House at that time. The woodlands in the occupation of the Commissioners of Woods and Forests would pay the rate, and, under those circumstances, it would be better for the hon. Baronet to wait and see whether the arrangements worked satisfactorily. Wisely or unwisely, the Government had deliberately excluded from the Bill all mention of Crown property; they had confined it to three classes of property—mines, woods, and game; and he therefore objected to introducing into the Bill in this way something with which it had nothing to do. A sufficient protest had been already made against the exclusion of Crown lands, which would include a vast amount of property beyond the scope of this Bill, and he intreated the hon. Member

to be satisfied with that protest, and to consider the limited proposal which the Government thought it their duty to make.

MR. PEASE said, that when the Bill was last in Committee there was a long discussion on this subject, and great dissatisfaction was expressed, principally on the Ministerial side of the House, with the proposal, or rather the want of proposal, on the part of the Government. He suggested that clauses of last year's Bill, possibly with some modifications, should be introduced; and the Chancellor of the Exchequer explained at length his scheme for relieving places that contained Government property by means of a Vote in the Estimates. The scheme seemed to commend itself to the judgment of the House; but, personally, he still held a strong opinion, that the rating of Government property in an irregular way would be only a temporary expedient, and he would far rather the right hon. Gentleman had left the matter alone for a year or longer, until a well-digested plan could be brought up. It was erroneous in principle that any Government should ask for a certain sum of money to be placed in their hands to be distributed, upon certain rough rules it was true, but still on their responsibility; but, in the absence of any alternative scheme, the Committee could only acquiesce for the present in the proposal of the Government. He believed the hon. Baronet had the sympathy of the House with his Amendment; but at that late period of the Session he would advise him to postpone it.

LORD HENRY SCOTT thought Crown property ought to be put on the same footing as other property. He, however, saw the difficulty of the position in which the Government was placed. If the rating of Crown property was to be introduced into the Bill, it could not be done by way of Amendment. The Government appealed with great force to the Committee to allow the matter to stand on its present footing for a year, when, as he understood, they would again deal with it; and he therefore hoped the hon. Baronet would not take up a position of antagonism to the Government by pressing his Amendment at that time.

MR. GOLDSMID must express his regret that the Government did not see their way to bring in a Bill to settle the question this year. Matters of this

kind were not to be disposed of by Treasury Minutes, which really did not settle anything, for what had been established by one Treasury Minute might be upset by another. He considered that a strong Government ought not to have recourse to the device of postponing a difficult question; and therefore he hoped the Amendment would only be withdrawn upon the distinct understanding that the Government would bring in a Bill next year to rate Crown property, in order that the matter might be discussed and determined as a whole, and not left to be dealt with by Treasury Minutes.

THE CHANCELLOR OF THE EXCHEQUER said, that the real question was, whether the Government should advise Her Majesty to give her Assent to this proposal with reference to Crown property? and with regard to that, he thought it would be an unsatisfactory course for the House to proceed with the discussion of the subject, with the prospect that upon the third reading the Government might step in and stop the progress of the Bill, if the Amendment should be adopted, by refusing to advise Her Majesty to sanction the provisions in question. The policy which the Government had announced was, that they should, by Act of Parliament, deal with exemptions of certain classes of private property, but not to introduce into the measure any provision for doing away with the exemption of Crown property. They did not say that was a subject which ought not to be dealt with. On the contrary, they were of opinion that there was a fair and reasonable claim for bringing such property under contribution. It was already done to a certain extent, and they thought it ought to be done to a greater extent. But they felt that was a difficult question involving a large number of important considerations, and they were not prepared to deal with it in an Act of Parliament of the present year. The Government had before them the experience of the Bill of last year, which undoubtedly passed this House, but which, on reflection, they were not prepared to accept, and they thought it advisable that the matter should stand over for further consideration; at the same time, not wishing to delay granting to the country and the localities chiefly interested that relief to which they had for some time been looking. They did propose to deal with

Mr. Selater-Booth

the question by means of a confessedly temporary expedient. When he said "temporary expedient," he would remind the Committee that it was not anything like the introduction of a new principle,—it was the extension of a principle recognized by the House for many years. Grants had been taken already to the amount of £63,000 a-year in aid of Government property, to be dispensed according to such regulations as Government might think fit to adopt; and what was now proposed was to increase the amount to something like fourfold what it was now, but to continue the distribution on principles somewhat analogous to those which had hitherto been acted on, with this addition, that a list of the parishes so aided should be laid before the House, their rateable value, the amount of Government property in them, and so on. Though the Government did not think that a permanent or satisfactory way of dealing with the question, they held that it would meet the exigencies of the case at present, and it would render it impossible for the Government to do what it had been kindly suggested they would do during the vacation—namely, job the money. If one locality found that an unfair proportion was given to its neighbour, it was quite certain the Government would hear of it in the House and elsewhere; and they could not maintain their position, unless they administered the grant fairly. In point of fact, all grants made by the House were made on the assumption that Government would distribute them fairly; and, indeed, much larger grants than these were already distributed by the Government—as, for instance, the grant in aid of Education and others. The scheme of the Government was this—to deal with the exemptions of mines, woods, and game by Act of Parliament, but with respect to the Government property, not to deal with it this year by Act of Parliament, and not to pledge themselves whether they would or would not in a future year. The position in which the Government stood with regard to the Amendment was this—They would have to discuss the principle of proceeding by Vote in the matter, and if his hon. Friend should persevere, and the Committee should support him, the Government would feel that though the Amendment was small, the Committee had in

fact declined to sanction the policy which the Government had adopted after due deliberation. Of course, the Government could not complain; at the same time, they would be under the necessity of reporting Progress, in order that time might be taken to consider whether they would proceed with the Bill under such altered circumstances, and also whether they should proceed with their policy generally.

LORD ESINGTON said, after what the Chancellor of the Exchequer had stated, it was evident the Committee should either reject the Amendment, or they would lose the Bill. He did not want to lose the Bill, as it would bring under taxation a good deal of property which was now exempt, and he would therefore urge his hon. Friend to withdraw his Amendment.

MR. BIRLEY said, it would be more convenient for the House and the Government to have the principle of rating Crown property embodied in an Act of Parliament; but he agreed with those who recommended the hon. Baronet to withdraw his Amendment, because the proposal of the Government might fairly be accepted as a tentative measure.

SIR LAWRENCE PALK said, though it was highly objectionable to bring in Bills which dealt only with the fringe of the subject, still, in their present position, the suggestion that the Amendment should not be accepted was the only course open to the Committee, if they desired to pass the Bill. For his own part, he would much rather that the Bill were postponed, and that the question, which had been debated for many weeks last Session, should not be dealt with now, than that a matter of such great magnitude and importance as the fair rating of property should be treated as it had been treated by the late and as it was being treated by the present Government, who were accepting and fathering the child they opposed on every occasion last Session.

MR. STANSFELD said, he felt bound to join in the appeal to the hon. Baronet not to press his Amendment, which addressed itself only to a part of the subject—namely, Crown property under the control of the Commissioners of Woods and Forests and did not deal with property under the Admiralty, the War Office, and the Civil Departments of the State. Since that question was last dis-

cussed, it had advanced a stage. When the subject was last discussed there were two proposals before the House—one with respect to the rating of Government property by law, and the other for continuing, but enlarging, the scope of the existing system of voluntary contributions from the Imperial Revenue. There were certain advantages on both sides, and the position which he took up with regard to the two proposals was, that he (Mr. Stansfeld) should be willing to defer to the opinion of the House in Committee. On the whole, the balance of argument was rather on the side of assessment as against voluntary contributions, and so the matter stood when the debate was adjourned. He was, however, desirous that the Bill should pass, and if the present proposal with regard to Government property was not satisfactory, no doubt it would be amended in some future Session. Moreover, the Government, since the debate was last adjourned, had explained that the arrangement with respect to those voluntary contributions was intended to be merely temporary, although, at the same time, they could not now pledge the Crown, in regard to the compulsory rating of Government property, to any action in a future Session. Both the Government and the House would be free, however, to reconsider the subject in another year, and, considering the advanced period of the Session, together with the complexity of the question, the appeal now made to the Committee by the Government was one to which they would do well to accede, and not to assume the responsibility of rejecting the Bill, even though it omitted the clauses contained in the measure of their Predecessors.

SIR GEORGE JENKINSON said, he was willing, after the general expression of opinion which had been elicited, to withdraw his Amendment, but must enter his protest against the line of legislation which had been adopted in reference to this subject by the Government, as being too much in accordance with that of their Predecessors. The whole course of legislation in the matter from the time of Queen Elizabeth had been in the direction of extending the liabilities of real property. Unfortunately, there were not now so many hon. Members behind him to back him up on this question as there were last year. They were otherwise disposed of, and

Mr. Stansfeld

he had been led to attach more importance than he had at first done to the warning of the right hon. Gentleman the Member for Greenwich, to be careful how this question was stirred lest the result should be to increase the charges on real property.

MR. PELL said, he did not admit that the effect of the Bill would be to impose fresh burdens on real property, and did not see how the Government could have done otherwise than they had done in the matter. The Bill would simply do what the occupiers of land had long asked the Government to do—namely, make certain land contribute to the poor rates which had hitherto been exempted. He trusted that the Government would adhere to their proposal.

MR. BOORD said, he did not object to the contributions in themselves, provided that everybody contributed his fair share, which would not be the case under the present Bill. Without requiring the Government to give any impossible pledge, he trusted that they would give some assurance that they would reconsider the question before another Session.

MR. STANSFELD, with reference to the remarks of the hon. Baronet the Member for North Wilts, denied that either the rating Bill of last year, or the one under discussion, imposed fresh burdens on real property. They only dealt with certain property hitherto exempt from rating. The contributions in respect of Government property, as now proposed, would be a considerable easement in the localities where they applied. Neither of the Bills increased the charges on land, but only redistributed them more fairly.

SIR GEORGE JENKINSON said, that if no more money was to be collected under the Bill in the shape of contributions from land, he could not see what was the use of the Bill at all. If the effect of the Bill had been to rate mines and Government property only, he should have said nothing against it; but the gist of it was to throw the burden on the shoulders of those owners who lived on their estates.

THE CHANCELLOR OF THE EXCHEQUER pointed out that in the case of a parish which had to contribute, say, £100 a-year in rates, and one-half of which was agricultural, whilst the other

half consisted of mines, the agricultural half at present had to contribute the whole, whereas under the Bill it would contribute equally with the mines.

MR. HENLEY said, the right hon. Gentleman the Chancellor of the Exchequer had made a magnificent offer of a large sum of money; but he (Mr. Henley) desired to have some clearer light than had yet been thrown upon the subject of the distribution of these charges, as in some districts the relief to be got from the contributions from Government property must be very small. Those where the dockyards were situated would get the lion's share. There could be no objection to rating property hitherto exempt, provided it were done on a fair and uniform principle. The Bill, however, did nothing of the kind. It was not a Bill assessing property not assessed before, but a Bill assessing some kinds unfairly, and leaving others of the same value unassessed. All should be taken fairly; but the Bill did anything but that.

Amendment, by leave, *withdrawn*.

MR. G. MONCKTON, in moving as an Amendment, to leave out sub-sections 1 and 2, said, he did so with the view of eliciting from the Government a more satisfactory explanation with respect to the rating of plantations and game, on which it appeared to him that the measure would press unfairly.

MR. SCLATER-BOOTH said, that his hon. Friend's Amendment had the advantage of being straightforward, the object which the hon. Member had in view being to strike out from the Bill all mention of plantations and game. It was rather late then to raise such an objection, which went to the principle of the Bill. It should have been raised on the second reading. It was not intended to enable the assessment committee to go on a man's estate and ascertain the annual value of the timber he had sold, nor was it intended that an occupier should be rated for game that was practically of no value at all. He believed the Amendments he intended to propose would meet the objections of his hon. Friend, and therefore he hoped he would not put the Committee to the trouble of dividing.

MR. HENLEY trusted that if the right hon. Gentleman meant that saleable underwood should not be increased

in rateable value on account of timber growing thereon, he would make the Bill clear upon that point.

MR. SCLATER-BOOTH said, his right hon. Friend was mistaken in supposing that saleable underwood would be increased in rateable value by reason of timber growing thereon.

Amendment, by leave, *withdrawn*.

MR. SCLATER-BOOTH then proposed, in line 21, the omission of the words, "or for both such purposes," at the end of sub-section 1, the effect of which Amendment would be to exempt from rating any land used for a plantation or a wood and for the growth of saleable underwood.

MR. STANSFELD complained that no Notice had been given of the Amendment and that it ought not to be adopted. He contended that when land was used for the two purposes before mentioned it should be rated in respect of both of such uses.

MR. BEACH concurred in the objection of the right hon. Gentleman (Mr. Stansfeld).

COLONEL EGERTON LEIGH said, there were cases in which a wood was almost valueless because the underwood had been taken away, and the trees were not full grown.

SIR GEORGE JENKINSON said, it seemed to be forgotten that timber was paid for by succession duty. It had been stated on high authority, in evidence given before the Committee of this House, which he could not quote as it had not yet been laid on the Table, that it was highly impolitic to rate timber at all. The difficulty of rating it seemed to be a great one, which no one could solve. If timber was not to be rated by the Bill, there was no use discussing the way in which it was to be rated.

MR. SCLATER-BOOTH said, he believed it would be good policy to do nothing which would stimulate the premature destruction of growing timber. It was a question of degree, and it was impossible for the House to lay down the exact point at which saleable underwood ceased to be such, but the assessment committees would easily do it. What the parishioners desired, was to have the land rated. The great mass of saleable underwoods were thoroughly understood to be worth so much per acre per annum, and they were assessed

accordingly without taking into account the timber.

VISCOUNT GALWAY said, that assessment committees had found no difficulty in dealing with saleable underwoods. Old trees and ornamental timber ought not to be rated, because the value of them could be realized only twice in a life-time.

MR. STANSFELD said, he did not understand that the Government had come to the conclusion not to rate land, for according to sub-section (a) of Clause 4 land used only for a plantation or a wood was to be valued as if the land were let and occupied in its natural and unimproved state; but the proposal that in case of joint occupation for wood and underwood, the land should cease to be assessed, except in respect of underwood, would not hold water. There were great plantations of well-grown timber sufficiently sparse to admit of the growth of copse. The best solution of the difficulty was that a piece of land occupied solely by timber should be rated in respect of its improved value, that saleable underwood should be rated as such, and that land conjointly occupied should be assessed in respect of both elements of its value by the assessment committee. The result of the discussion of last year was that it was best to leave the matter to the assessment committees, who were beginning to collate their growing experience, and, if this were done, no practical difficulty would occur.

MR. PELL said, he understood it to be the intention of the Government that in the case of land growing brushwood below the timber, it was to be assessed as land used solely for the growth of underwood. There would then be a manifest injustice done in the same Union to those proprietors who chose to devote their land solely to the sale of underwood. He preferred the Bill as originally drawn, for it appeared to him that the Amendment would leave a large quantity of land in England devoted partly to timber and partly to underwood, either wholly exempted or very lightly taxed. He hoped the Amendment would be withdrawn.

MR. PEASE said, it seemed to him that they were agreed upon two important points—namely, that if land was used for growing timber, it was to be rated as land in its natural condition; and if the land was used for growing

saleable underwood, in was to be so rated. He thought it would be better if the matter were left to the assessment committee, as there would be no clear principle to go upon where timber and underwood were grown together.

COLONEL BRISE thought that if land were used for timber and also grew underwood, the assessment committee should have the opportunity of determining that the taxation should follow the rate, either as to saleable underwood or of land in its natural state.

MR. SCLATER-BOOTH said, his belief was, that if the words had not been inserted in the Bill, no one would have ever missed them, or suggested their insertion. If the Amendment were agreed to, it could be made clear when they came to Clause 4 that all lands used for the growth of timber and underwood were to be rated.

Amendment agreed to; words struck out accordingly.

MR. SCLATER-BOOTH moved, as an Amendment, in page 1, line 21, to insert after "purposes" the words "and not subject to any rights of common."

MR. HENLEY said, he could not understand the necessity for that Amendment. If land with underwood upon it was increased in value on account of the timber on it, why the necessity of the exemption? Common land could not be assessed at all, as it was in nobody's occupation; and if there was not to be a separate assessment on account of the timber upon it, what was the necessity for exempting it?

COLONEL BARTELOT said, that in his part of the country there were large tracts of land belonging to different copyholders. The underwood on them was the property of the copyholder and was rated to the poor, but the timber was not rated. He was not anxious to see this timber rated, though it was the property of the lord of the manor; but when his right hon. Friend touched commons, he thought he should go a little further, and say whether timber on copyhold estates should not be subject to rates so far as the land on which it stood was concerned.

Amendment, by leave, withdrawn.

LORD HENRY SCOTT, who had an Amendment on the Paper, in page 1, line 23, to leave out sub-section 2, said,

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it always appeared to him that they could not get at the right of sporting itself, but they could get at the value of crops; and in the Amendment he had introduced his object was that the gross estimated value of land should include the value of right of sporting. Land was usually let subject to whatever rights were exercised over it; the land was assessed on that basis, and in that way the exact value or rights of sporting might be got at. Otherwise it was perfectly possible that great injustice might be done, not only in the assessment, but through the land being unlet or let only for the purposes of mere pleasure. The land might be in pasture instead of corn. It might be held on account of a particular stock of game being kept on it, but rather than give an assessment committee the right to assess this, his object was to assess the estimated value of land, including the right of sporting. As, however, he saw on the Paper other words that would meet his object, he would, with the permission of Committee, withdraw his Amendment.

Amendment, by leave, *withdrawn*.

SIR GEORGE JENKINSON moved, as an Amendment, in page 1, sub-section 2, line 23, after "when," to insert "separately rented and." Hard things had been said as to the objection of hon. Gentlemen on his side of the House to game being rated; but if the land was rated at the full agricultural value, no matter what the produce was, whether corn, game, or whatever it was, there could be no doubt that in such a valuation, the game was rated as well. If, then, the land was rated at the full value, by what right or justice could they rate a man for sporting? It was a piece of gross injustice. What would be the effect? It would subject a man who lived in a grass country, where the right of shooting was *nil*, to the action of an assessment committee. Take a man who lived in a dairy country, with 5,000 acres of grass land, where the value of the right of sporting was *nil*. Suppose the assessment committee put 1s. an acre on his land—that would be £250 a-year at which he would be rated. That would be for a man to have the right to walk over his own grass land and carry a gun. It was a monstrous thing. Why not rate a man for

hunting? Why rate him for right of walking over his own land? It was not reasonable or just to rate a man for the right of walking over his own land. If a man let his shooting, rate him to the mast-head; but why rate a gentleman whose game was absolutely valueless, except for his own enjoyment? If a man let a moor in Yorkshire or in Scotland, let them rate it to any extent they pleased, but not rate his own enjoyment. The effect of his Amendment would be to allow a man to walk over his own estate without being rated. If the shooting was let to a third party other than the owner or the occupier, let them rate him, but not rate people who exercised no other right than that of their own enjoyment. It should be remembered that all those who did shoot paid a certain amount of rating in their game certificates. Why they should pay any other rate for walking over their own land was a matter of surprise, and he could not understand it. The rating of land on the agricultural value, except where the sporting was separately rented, would cover everything that was just and reasonable.

MR. PEASE said, that the noble Lord (Lord Henry Scott) and the hon. Baronet (Sir George Jenkinson) must have had some communication with the Government on the clause. Neither he nor any hon. Gentleman near him had heard the Government express an opinion on the subject.

MR. SCLATER-BOOTH said, it was not with regard to the clause, but he had a verbal Amendment on Clause 6 which would show what the intentions of Government were.

SIR GEORGE JENKINSON: Will those Amendments prevent a man being rated for his own shooting?

MR. SCLATER-BOOTH: They do not go so far as that.

MR. WALTER thought that the Committee could not possibly assent to the Amendment. He was not one of those who let shooting, and he did not see any harm in rating game, and he had no right on that account to be exempt from any fair rate which an assessment committee might assess. It was not for carrying a gun over his land that a man was rated, but it was a rate levied for the use and enjoyment which the land carried with it, and for the increased value which the land would in conse-

quence fetch in the market. Of course, if a man owned grass land the game would be rated at what it was worth, and if it were worth nothing, it would be rated at nothing. But there was generally a certain value of the shooting which the land carried with it, and whatever might be the actual value of the manor over which the landlord chose to shoot, he had no right to complain if he were rated accordingly. If the principle contended for by the hon. Baronet (Sir George Jenkinson) were good, he did not see why a landlord should not be exempt from other rates if he farmed his own land. Whether a man preserved highly, or not at all, he would only be assessed at the fair market rate, and in that there would be no hardship.

SIR CHARLES RUSSELL said, he was sorry to differ from the remarks of the hon. Member for Berkshire, but he thought it an excessive hardship that an owner should be assessed on what anyone would give for the sporting. That would be an enormous injustice, for he knew numerous instances in which some absurd and fancy price would be given for the right to shoot near London. It would be absurd to fix the rate on that rent. He knew a case, not many miles from Windsor, where an eight-acre plot was let to a doctor, who paid for the right of shooting £100 a-year. The property had lately been sold to a neighbouring proprietor; but if that was to be taken as a test of its value, it would be very hard. As fishing was included, he would ask the Government for some details on that part of the question. He had served on assessment committees, and he found they were generally in the dark, and that, like juries appealing to a Judge, they always required to be told what to do. If they could assess the value of the fishing in the Serpentine, it would guide him in his neighbourhood, where the fishing was of the same kind and of about the same value. He knew that there were certain doctors who would pay a fabulous price for the chance of catching a gudgeon. He objected to the principle of the rate being calculated on whatever the thing would fetch in the market. He did not think that was a fair test.

MR. CLARE READ said, if the Amendment of the hon. Baronet was carried there would be very little of the right of sporting to be assessed, for the pur-

pose of being rated, in his part of the country, or in the country generally. The hon. Baronet would have it that where the owner exercised his right of sporting, there should be no rating at all. [SIR GEORGE JENKINSON: If the land is rated at its full value.] That was not so. Excessive game depreciated the value of the land, and the consequence was, that in some cases the land was not rated at more than three-fourths of its agricultural value. There were some tracts of land where the shooting was of considerable value, where the agricultural value was not lower in consequence. The other day he heard of an instance where the agricultural value of land was £900, and the shooting let to the tenant for £100. If the landlord kept the right of shooting in his own hand that £100 a-year would escape assessment, whereas under the Bill the farm would be rated at £1,000.

COLONEL BARTELOT said, the hon. Gentleman who had just spoken looked no farther than Norfolk and Suffolk, and entirely forgot the rest of this large country. Taking the value of shooting throughout the whole of England, from one end to the other, they would find, with few exceptions of over-preservation of game, that shooting was of no great value to anyone. That was not the right way to assess shooting. Was the land to be rated in more than one way? If they were to put in shooting, they might put in other rights beside. Why did they not rate it upon what it was really worth, rate it upon that and nothing more? If the shooting was let, they knew what the value was, and it might be rated. If an owner depreciated the land by having an excessive amount of game upon it, then it ought to be rated in proportion to what it would have produced. But to lay down an arbitrary law that people might rate shooting at what it was worth, would be impracticable; because, as had been said, shooting let in the neighbourhood of London at fabulous prices. Such shooting might be worth £200 a-year on land that without it would be worth only £100. Owners were now supposed to be rated on all the land they held in their own hands, woods and everything else; and now it was proposed to rate them for the shooting over the farms which they let by receiving the right of shooting. There were hundreds and thousands of acres

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absolutely worth nothing but to walk across, and it would be very hard, he thought, to put a rate upon that. No doubt they might value those moorlands which were worth more for shooting than any other purpose. A tenant in this country was wide enough awake to see that he did not pay more than the real value of land to him. Was it wise, then, to put on an additional rate, and to give an excuse for letting shooting? There was nothing more mischievous than letting land for sporting purposes. It created more ill-will than anything else. It was not between landlord and tenant, but between the stranger and the tenant, that ill-blood arose. He therefore said that rating was a mischievous thing to do. If they wanted to keep a landlord in his county, it was well that he should be able harmlessly to amuse himself. All right-thinking landlords not only enjoyed the sport, but gave the tenant the right also. Where the landlord gave the tenant the right to catch rabbits and the right to course, was the land to be rated as if no rights were given at all? Rate the land at the full value of what it was worth, but not on an exceptional state of things.

MR. STANSFELD said, if there was one thing which appeared to him in this case in a stranger light than another, it was that there was no foundation for the remarks of the hon. and gallant Member, and that if there was any class of men who wanted the clause, it was the proprietors of land and the friends of sporting. The hon. and gallant Gentleman had said that it was not advisable that they should encourage the letting of the right of sporting. Well, but in that very clause there was a clear distinction drawn. The assessment would be upon the value of sporting, which he had no doubt would be judged in reference to the average custom and right of the neighbourhood. ["No, no!"] Yes, by an assessment committee, consisting of occupying farmers in the neighbourhood. He would lay down this broad proposition, that it was in the interest of those who desired to enjoy these rights—and who believed upon the whole it was for the benefit of the country that those rights should continue to be enjoyed—it was in their interest that the rights of sporting should come under assessment. Would not the hon. and gallant Gentleman agree with him that it was a wise

thing in the Bill to assess the right of sporting? He would address himself to the 6th clause, and would show that it was not open to any of the objections the hon. and gallant Member had raised, and he would meet the objections he had raised precisely in the spirit he wished them to be met. If the right of sporting were in the occupier of land, the land would not be separately rated, but the assessment committee would judge of the value of the land with the sporting. The hon. and gallant Gentleman could have no objection to that, because it was in accord with his own view. If the right of sporting were let, then the hon. and gallant Gentleman had no objection that such right should be rated. He had no objection to the doctor going down to the neighbourhood of Windsor and paying £100 a-year for the shooting, and being rated on it. The remaining clause was, where the owner of the soil preserved the right of shooting. Well, the clause was even tender of the rights of the owner; it said that if the owner rented the right, it should not be separately valued, but the gross value should be estimated as if the occupier would be entitled to exercise the right; therefore the assessment committee, consisting for the greater part of occupying farmers, would assess occupying farmers, on the hypothesis that they had the right of sporting and would not unduly assess the right of sporting. When that was done if the assessment was inclusive of the right of shooting he would have the right to deduct the excess from his landlord. He maintained, therefore, that the clause as drawn and presented to the Committee by the right hon. Gentleman (Mr. Selater-Booth), must be a clause in support of the views of the hon. and gallant Gentleman (Colonel Barttelot), when the right of sporting was not severed it was not to be separately rated, but where it was severed from the occupation of land it was to be separately rated. When the landlord enjoyed the right it was to be assessed on the tenant, the tenant having a right for excess as against the landlord, and therefore it was impossible to conceive anything more equitable.

MR. SCLATER-BOOTH said, he would remind the Committee that they had a little wandered from the subject of the Amendment, and were really discussing the detailed plan contained in Clause 6.

The question before them now was, whether the House would say that a landlord reserving the right to shoot over the tenant in occupation should in no case be rated for the value of the enjoyment. The difficulty of the case was this—in one parish there might be two tenant-farmers having farms of equal value, but varying as to the right of shooting. As a matter of fact, the assessment committee would rate one higher, because he had the right of shooting, than they would rate the other. This was an injustice against which the assessment committee would have to contend. If the landlord reserved that which in the hands of a tenant would be subject to rates, he ought to pay something for it. If the Committee would pass by the Amendment, he thought, when they came to Clause 6, he should show that if there was no real practical value, there would be nothing assessed by the committee and nothing deducted from the landlord, and therefore nothing in dispute between landlord and tenant. Moreover, by Clause 9, power of appeal was given to the landlord to quarter sessions, where of course he would be heard. Under those circumstances, it might be fairly expected that these rights of shooting would be satisfactorily adjusted.

COLONEL EGERTON LEIGH considered game a luxury that should be paid for. He should not have the least objection to pay for his game, and it would be very satisfactory to the people of his parish to know that he had paid. No doubt, there was a deal of pleasure in the exercise, pleasure in the shooting, and the pleasure of giving game away. There should be a special reservation to prevent the tenant being injured by the person who took the game. They ought also to be careful about rabbits. There they were, 650 men trying to turn rabbits out of the country; and before the rabbits had turned a man out of Parliament, they should pay this little rate, whatever it was, for a great pleasure and great luxury.

MR. J. S. HARDY said, it appeared to him that many regarded that as an additional tax on the land. That was a fallacy, for it was merely an additional subject of rating. If the game let for £100 a-year, the rating on that was no additional burden on the land. As respected the particular Amendment before

the Committee, he quite agreed with the hon. and gallant Member for Mid Cheshire, and was only too glad that landlords should be subject to rates for shooting.

SIR GEORGE JENKINSON said, that nobody had said anything against anyone who occupied the land beneficially being rated. All he said was that, supposing a tenant was rated at the full agricultural value, he saw no right to rate the land twice over, no matter how it was occupied. He did not know what amount of gratification the hon. Gentleman (Mr. J. S. Hardy) derived from game, or with what burden he was prepared to saddle himself; but it was a very hard thing that a man should be rated on a right which in some cases was absolutely valueless. If a man had land rated at the full value, they had no right to rate him over again for anything. The right hon. Gentleman (Mr. Stansfeld) maintained that Clause 6 was almost entirely in favour of what he had been advocating, and that the rights of sporting were most tenderly dealt with. It was all the more important, then, to pass the Amendment, in order that the Bill might go on all fours. His Amendment was, that the rating should be extended to shooting and fishing when separated from the letting of land. If the landlord reserved the right of walking over his own land and the land of the tenants, and carrying a gun with him, was he to be rated for that? He was told Clause 6 would undo that. Therefore, the two clauses ought to be taken together.

MR. HENLEY said, the Bill would have one effect, and that was to increase the assessable value of rural land, as contra-distinguished from town land. That was the great advantage farmers would get. This was certain—that whether they paid a halfpenny, a penny, twopence, or sixpence an acre, the aggregate would come to something, and would be an increase of value of the rural districts as against the urban districts. The hon. Member for South Norfolk would appreciate that extremely. The next weighty question was, who would pay it? It was very trifling. The whole concern was trifling; but when people came to find that there was a little deduction, what would be the natural consequence? There would be a general revision of letting. Whether

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that would be an advantage to the farmers he did not know; but he had considerable doubt about it himself, because of the inconsistency of the thing. He did not think it would be a great benefit to the farmers in England. He was astonished that the hon. Member for South Norfolk thought it would. Those who were pressing on these little matters—for they were really very little and trifling—would, it seemed to him, produce an effect quite contrary to the expectation they entertained. He believed that considerable injustice would be done. They would put a fanciful value on what did not exist. No doubt the hon. Gentleman would say it was the value of the game, and the sport after these birds; but he felt quite sure it would not be for the benefit of those parties who were most anxious to bring it forward. It would lead to much litigation, and to many six-and-eightpences and thirteen-and-fourpences going to the lawyers.

MR. WYKEHAM MARTIN, speaking for the Midland counties, said, the experience of the last 20 years had not been favourable to any revision of rents by the landlord. It was too difficult to get the land let on moderate and reasonable terms to make any such revision as the right hon. Member for Oxfordshire had spoken of. Was the burden likely to be so great as had been imagined? Suppose 2,000 acres of land were let at half-a-crown an acre for the right of shooting. ["Oh, oh!"] He could tell hon. Gentlemen opposite that he not only paid that rate himself, but could get that for it. At the same time he was putting an extreme case. Take a moderate estate of 2,500 acres, at half-a-crown per acre, it was only £312 that the owner would be rated upon, amounting to £15 on the average, and to those who knew what the expense of shooting was, it must be evident that the extra amount caused by such rating would be very little, certainly not such as to make it worth the while of Gentlemen interested to continue the discussion.

MR. HALSEY said, the hon. Gentleman might be willing to pay half-a-crown an acre for his shooting, but to him (Mr. Halsey), as a landlord, his estate might not be worth anything like that money. But because he might get half-a-crown an acre from some one else, if he were to let the shooting, it would be very unjust that he should be

rated whether he let or not. This Bill, if passed as it stood, would give rise to endless confusion.

MR. BULWER said, he would really put it to hon. Gentlemen on his side of the House whether it was worth while to persist in this opposition, to what was, as the right hon. Gentleman the Member for Oxfordshire had just told them, a very trifling matter. Everybody knew that if there was one subject more than another which led to heart-burnings and ill-feeling in the country, between landlords, tenants, and labourers, it was the subject of shooting and game. He quite agreed with what the hon. and gallant Member for Mid-Cheshire had said, that although there was the pleasure and amusement of shooting game, there was also the still greater pleasure of giving it away; and if he might offer a suggestion upon that, it would be that all landed proprietors should follow the example of the hon. and gallant Member, and indulge more freely in the latter luxury. If they would be content to preserve a little less, and would give away a little more, he could promise them that they would hear very little about the game laws. As to the question of rating, if the owner of land were also the occupier, he would be rateable not only for the land, but for the game also; and that whether he let the right of shooting to another or retained it himself; and he (Mr. Bulwer) could not see any reason or justice why, if the owner let the land but retained the right of shooting, he should not continue to pay rates for what he so retained. As he read the Bill, it was proposed to rate the tenant of the land for the game in the first instance, and to give him the power to deduct from his rent the value of the right of shooting when severed from his occupation—that was, if the assessment committee put any value upon it. He ventured to think it was not politic for hon. Gentlemen to object to this. A tenant who now occupied a farm and paid heavily in rates, might often see his landlord carry away from it cart-loads of game, send it to market as valuable property, and get the money for it; and he (Mr. Bulwer) could not help saying that it was not judicious for the landlord in such a case to object to contribute to the rates. He appealed to the hon. Baronet the Member for North

Wilts as to whether it was wise to press the Amendment on the House.

LORD HENRY SCOTT hoped his hon. Friend would not divide, and for this reason—he did not think anybody objected to being assessed for game; but in his (Lord Henry Scott's) view, it would be best included in the gross estimated value of land. But as that was not exactly the view of the hon. Gentleman, they would have an opportunity of testing it on Clause 6, wherein an Amendment of his own stood on that point. He should be sorry to be a member of an assessment committee if the game were not included in the gross estimated value of land.

MR. KNOWLES said, he failed to see the justice of the Amendment before the Committee. If a man retained his own shooting, why ought he not to be rated? Everyone who had fishing or shooting ought to be rated on what it might be reasonably supposed to be let for. If the landlord went over his own estate with his gun in his hand, although there was no game liable to assessment, he failed to see the force of objection, because if there was no game it would not let for anything, and therefore would not be rateable. There should be no property whatever, whether shooting or fishing or any other real property, that should refuse to pay rates, but he did not think the Bill was at present in the best shape for that purpose.

MR. FLOYER said, the Amendment was too narrow. He wished to draw attention to the arrangements often made in his county between landlord and tenant, whereby the former went two or three times a-year to shoot partridges, and the rest of the year the tenant had the option of going over the land. It was not fair to assess the tenant in that case, and it was not fair to assess the landlord. That was one of the difficulties with which they had to deal. The general principle of the Bill was the right one. He did not think, as a general rule, game was at all considered in the assessment of a farm when held by tenants having at the same time the right of shooting. That was not the custom of the country. If it were, the case would be quite conclusive. If tenants were assessed whenever they had the right of shooting, and, in other cases, the landlords, whenever they had the right of shooting, he quite granted

there could be no reason why the landlord ought not to pay. But he disputed the fact. He did not think the tenant did pay whenever he had the right of shooting. Therefore, the ground for the clause was not a certain one. At that stage of the proceedings, he could not vote for the Amendment of the hon. Member for North Wilts. They ought, however, to go so far as to assess the landlord whenever game was kept up to a large extent.

MR. CLARE READ said, there could be no doubt on the point of law, that whenever the right of sporting was let to the tenant, or was held by the landlord, the right was assessable, and was generally assessed.

SIR GEORGE JENKINSON said, that after the strong expression of opinion from both sides of the House, he felt he was bound hand and foot in the hands of the Philistines, and must make the best of it. He believed the Bill would work against the farmers' interest, and against the agricultural interest. Men who did not preserve game much, if they were rated by the assessment committee for that which was of little money value to them, would take care to have something for it. Men would preserve more if they were to be rated, would take care to have their money's worth; and he did not think it was politic or just to rate men for that which was of no value to them. The hon. Member for Berkshire (Mr. Walter) said men should pay for the right of sporting, if they only walked over the land. There were people in towns who would pay anything to walk over the land. Those who were landlords were rated to the mast-head. It was a gross injustice. He should ask leave to withdraw his Amendment, but at the same time he entered his strong protest against the Bill.

Amendment, by leave, *withdrawn*.

MR. SANDFORD, in moving to add the following words at the end of the clause:—

"Provided that the rights of fishing mentioned in this Act shall extend to all rights of fishing other than public rights, whether the same be held, used, or enjoyed either exclusively or in common with any other person or persons, or whether they be general or limited to any particular kind or kinds of fish, and also to all rights incidental to the taking, culture, or propaga-

Mr. Bulwer

tion of fish not rateable according to the present law."

said, they were intended to include oyster beds in some parts of Essex and in other counties. He believed that large incomes were derived from that source, and he thought it only right that a proper clause should be drawn to apply to that kind of property.

MR. SCLATER-BOOTH said, he was sorry he could not consent to the addition of the words proposed. He did not think them necessary for the purpose the hon. Gentleman had in view. If the fisheries were rateable, they would be rateable without the words proposed. If the oyster culture were attached to the soil of the parish, it would be rateable, and if not, he did not think the words proposed would make it so.

MR. SANDFORD protested against the way in which Bills were passed through Committee. Having taken counsel's opinion on the clause, he was in a position to say that as it stood, oyster fisheries would not be rateable under it, and when he proposed to insert words which would make them rateable, the Government declined to accept his Amendment. It was idle, therefore, to press the matter against the Government, but he believed that if the matter was left as it was, it would lead to endless litigation to the benefit of the lawyers.

MR. PEASE complained of the diversity of assessment with respect to mines, and suggested that in any future legislation on the subject of rating, a more fair and palatable mode of assessment should be adopted.

Amendment *negatived*.

Clause, as amended, *agreed to*.

Clause 4 (Valuation of land used as plantations, &c.)

MR. BEACH moved, as an Amendment in page 2, line 2, after "estimated," to leave out to end of sub-section (a), and insert, "According to the average annual amount which may reasonably be expected to be realized therefrom."

MR. SCLATER-BOOTH said, he could not accept the Amendment. The section as now framed was less harsh as against wood owners than the provisions of the Bill of last Session.

Amendment *negatived*.

MR. SCLATER-BOOTH, in moving, as an Amendment, to omit sub-section (c), which provided for the assessment of land used both for a plantation or wood, and for the growth of saleable underwood, said, he would bring up on the Report a sub-section which would deal more effectively with the property affected by the clause than would be the case if the sub-section were allowed to remain as it stood in the Bill. The course proposed would also meet the objections of the hon. Member for South Leicestershire (Mr. Pell), who had given Notice of an Amendment as to the assessment of woods and plantations.

MR. STANSFELD approved the proposal of the right hon. Gentleman.

MR. DODSON said, he wished to point out that the right hon. Gentleman (Mr. Sclater-Booth), if he did not take care, would find himself in a technical difficulty. If he struck out the sub-section now, and afterwards failed to find a satisfactory substitute, he would not be able to re-insert the sub-section on the Report, because it would be in effect a rating clause, and it would, therefore, be necessary to re-commit the Bill.

MR. SCLATER-BOOTH said, that he felt bound by the pledge he had given at an earlier period of the evening, and he must therefore press upon the Committee to strike out the sub-section.

MR. GOLDSMID wished the words to be kept as they stood, as being the best solution arrived at as the result of two Sessions of experience.

MR. PELL hoped the sub-section would not be withdrawn, unless they had some equivalent provision.

COLONEL EGERTON LEIGH also suggested that the sub-section should be retained, at least provisionally, until some better proposal should be found to take its place.

MR. MUNTZ said, there was evidently a strong feeling on both sides of the House in favour of retaining the sub-section, and as the right hon. Gentleman opposite had pledged himself to omit it, they could easily extricate him from his difficulty by going to a division and voting for the words as they stood. The right hon. Gentleman would then keep his word to the House, and the House would be doing what both sides required.

Mr. GOLDSMID said, if the right hon. Gentleman could find other words better than those in sub-section (c), he could strike those now under consideration out, but he doubted that he could find better.

Amendment *agreed to*; sub-section *struck out* accordingly.

Mr. PELL in moving, as an Amendment, to add the following Proviso at end of clause:—

"Provided that when the occupier of a plantation or a wood is, at the passing of this Act, liable to be rated to the county or highway rate in respect of such plantation or wood, the value shall be estimated in like manner as it would at the passing of this Act be estimated for such county or highway rate,"

said, he wished to leave the matter as it was already settled by Act of Parliament, under which, in several counties, beech wood had been specially assessed.

Mr. SCLATER-BOOTH said, he did not see any objection to the Amendment, considering the peculiarity of beech wood.

Mr. BULWER could see no necessity whatever for the Proviso.

Mr. GOLDNEY also contended that it was not necessary, and that if agreed to, the assessment committee would be placed in a difficulty, and be bound by what other county boards might determine should be the rateable value.

Mr. GOLDSMID pointed out that the Proviso was so framed that it would be most perplexing to assessment committees.

Mr. SCLATER-BOOTH said, his reason for assenting to the Proviso was, that it would bring the woods in at a much higher valuation, to which they already submitted, than the valuation laid down by this Bill, but he did not think the matter one worth much discussion, and he would recommend his hon. Friend to withdraw it.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 5 (Deduction of rate by tenant of plantation, &c.)

On the Motion of Mr. HENLEY, Amendment made in page 2, line 19, after "Act," by striking out the words, "whereby the timber is reserved to the landlord."

Clause, as amended, *agreed to*.

Clause 6 (Valuation and rating of rights of shooting, &c.)

LORD HENRY SCOTT moved, as an Amendment, in page 2, line 25, before the clause, to insert the words—

"(1.) The gross rateable value of the land shall be estimated so as to include the value of the right of fowling or shooting, or of taking or killing game or rabbits, or of fishing (hereinafter referred to as the right of sporting)."

The noble Lord said, the object of the Amendment was to make it quite clear that the estimated gross value of the land should include the right of sporting. That would be the only way to avoid perpetual wrangles between landlord and tenant.

Mr. SCLATER-BOOTH thought the noble Lord would do well not to press the Amendment, because the words would not cover what was required. But even if there were no objection to the language, it was already the duty of the assessment committee to take everything into account in the gross estimated value, except, of course, the right of shooting. The language of the clause he was going to propose would really have the effect the noble Lord desired. It was the duty of the assessment committee to estimate the land at its gross value, and if they did not, they would not be doing their duty.

Amendment, by leave, *withdrawn*.

LORD HENRY SCOTT moved, as an Amendment, in line 27, to insert after the word "rabbits" the words "or of fishing."

Mr. PELL remarked that there were a great many rights of fishing held by persons who were not owners or occupiers of the soil. He was in that case himself, and he thought it would be well to leave the word "fishing" out.

Mr. SCLATER-BOOTH said, he did not see any harm in the insertion of the word "fishing."

Amendment *agreed to*; words *inserted*.

Mr. G. MONCKTON proposed, as an Amendment, that the assessment should be based on the value of the land for agricultural purposes. The assessment committee should not take into account the amount the shooting would realize if actually put into the market.

Mr. SOLATER-BOOTH said, he could not agree with the insertion of the words, and did not believe they were necessary. It was quite impossible to blink the fact that the right of shooting was rated on some farms, and there were others where it ought to be rated. If there really was no shooting of value, it ought not to be taken into account.

Mr. PELL would be sorry to see the Amendment withdrawn. There would be little change made in the assessment, if it were taken all through the country. He could not conceive that in places where the occupier merely walked over his land with his gun on his arm, any change was required. In some cases, the game would not be worth more than 4d. an acre, and the rate would not be worth taking. No provision was made for separate assessment, nor did he think separate assessment of game was required. A fresh assessment might increase the rateable value of the farm, which the tenant might attribute to game being now included, and he might go to the agent to have his conditions made accordingly. The landlord would then be placed at a disadvantage. He would, therefore, leave the thing alone where the occupier of the land was content to leave it alone.

Mr. SOLATER-BOOTH objected to the alteration of the clause. The Amendment would only increase the difficulty in case of any difference between landlord and tenant, rather than the reverse.

Amendment negatived.

Mr. SOLATER-BOOTH moved, as an Amendment, in page 2, line 34, after the word "estimated" there should be inserted the words "but not otherwise," the object of the Amendment being to prevent a fancy valuation being placed upon sporting ground.

Amendment agreed to; words inserted.

Mr. PELL moved, as an Amendment, in page 2, line 33, after "right;" to insert "unless such occupier shall, by notice to the assessment committee, require them to assess such right as a separate hereditament, and to rate him separately as the occupier thereof."

Mr. SOLATER-BOOTH objected to the Amendment. It was not the occupier, but the owner who should be rated. He believed the proposed alteration instead of working beneficially, would

only cause differences to arise between landlords and tenants.

Amendment negatived.

Mr. PELL moved, as an Amendment, in page 2, line 35, the omission of the words "subject to any contract to the contrary," which were inserted parenthetically in that part of the clause which gave a right to the tenant of the land to deduct from his rent such portion of any poor or other local rate as was paid by him in respect of any increase in the assessment by reason of the right of sporting not being severed from the occupation of the land.

Mr. GOLDNEY remarked that there was nothing to prevent the landlord contracting with the tenant to pay all rates.

Mr. SOLATER-BOOTH said, the clause was not intended to refer to future contracts, which were reserved by common sense and common right. He had no objection to the words being omitted, and to insert instead in the terms of the mining clause, "unless he has specifically contracted to pay such rate."

Amendment agreed to; words substituted.

Clause, as amended, agreed to.

Clause 7 (Gross and rateable value of tin and copper mines).

COLONEL CORBETT moved, as an Amendment, in page 3, line 15, after "tin" to insert "lead."

SIR CHARLES RUSSELL moved to report Progress.

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(*Sir Charles Russell.*)

LORD GEORGE CAVENDISH said, the House had been for 15 years trying to settle this question, and he hoped they would go on a little longer.

Motion, by leave, withdrawn.

LORD ESLINGTON said, that if it were just to depart from the principle in the case of tin and copper mines, it was equally just to depart from it in the case of lead mines.

Amendment agreed to.

Clause, as amended, agreed to.

Remaining clauses agreed to.

SIR EDWARD WATKIN moved, after Clause 9, to insert the following clause:—

(Assessment of tithe.)

"In the assessment of tithe (not being tithe the property of a lay impropriator) there shall be deducted from the gross value (for the purpose of calculating the rateable value) such sum as shall represent the average salary of one curate (the amount of such salary being certified by the bishop of the diocese in which the assessable property is situate), in addition to such other deductions as may be, on the passing of this Act, legally made in reduction of the gross value."

MR. SCLATER-BOOTH said, he had no objection to the clause if it met with the approval of the Committee, but he thought it rather beyond the scope of the Bill, as it would introduce quite a new principle. It would more properly come within the scope of a valuation Bill than of a rating Bill, and such a Bill he hoped to introduce next year.

MR. STANSFELD recommended the withdrawal of the clause, which he agreed was fitter for an assessment than a rating Bill.

SIR EDWARD WATKIN said, if it was thoroughly understood that the Government adopted the principle of the clause, he would agree to withdraw it.

MR. GOLDNEY hoped the Government would not adopt the principle, which was contrary to the general principle of the Bill.

Clause, by leave, *withdrawn*.

MR. BRISTOWE moved the following clause:—

(Repeal of 6 and 7 Vict. c. 36.)

"The Act of the Session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-six, intituled 'An Act to exempt from County, Borough, Parochial, and other Local Rates, Land and Buildings occupied by Scientific or Literary Societies,' so far as relates to England, is hereby repealed as from the commencement of this Act."

The hon. Member said, it was only a just and reasonable proposal that these societies should be exempted.

MR. SCLATER-BOOTH opposed the clause. There would be an opportunity on another occasion of dealing with the question.

MR. STANSFELD said, that though he hoped his hon. Friend would not press the Motion to a division, he wished to add that last year he proposed to repeal all exemptions.

MR. PERCY WYNDHAM thought it better that the whole subject should be allowed to remain over for the present.

MR. PELL hoped the Amendment would be pressed to a division.

MR. MUNTZ trusted the clause would not be pressed, as it would be a breach of good faith if the Government should agree to it.

Clause, by leave, *withdrawn*.

MR. RUSSELL GURNEY moved the following clause:—

(Exemptions hitherto enjoyed by certain institutions.)

"And whereas it is expedient to declare and give effect in law to the exemption hitherto enjoyed by the institutions hereinafter mentioned from liability to poor rates. Be it further enacted and declared, That no land, houses or buildings, or parts of houses or buildings in the United Kingdom used exclusively as a hospital or infirmary for the relief of the sick poor, or for the transaction of the business relating to such hospital or infirmary, and yielding no pecuniary profit to the governors, administrators, or other trustees thereof, shall be deemed to be rateable to poor rates or to any local rates whatsoever."

New Clause brought up, and read the first time.

Question proposed, "That the Clause be read a second time."

MR. SCLATER-BOOTH said, he could not agree with the clause, because he believed it would be taking a step in a wrong direction. Many of these buildings to which the clause referred were most valuable property, and it would not be just to the parishes in which they were situated to exempt them from rating.

Question put.

The Committee divided:—Ayes 41; Noes 162: Majority 121.

House resumed.

Bill reported; as amended, to be considered upon Thursday, and to be printed. [Bill 180.]

FACTORIES (HEALTH OF WOMEN, &c.)
BILL.—[BILL 115.]

(Mr. Secretary Cross, Sir Henry Selwin-Ibbetson,
Viscount Sandon.)

THIRD READING.

On the Motion of Mr. ASSETON CROSS, the Bill was read a third time.

On Question, "That the Bill do pass,"

MR. ASSETON CROSS said, I should not have risen at this stage of

the Bill, if it were not for the purpose of removing a misapprehension respecting something which fell from the hon. Member for Manchester (Sir Thomas Bazley) with regard to the Commissioners who were appointed by the late Government to inquire into this subject. I am glad to be able to state on his part, that in his remarks on the second reading, he had not any intention to cast any personal reflections or imputations upon the two Commissioners.

Bill read the third time, and *passed*.

FRIENDLY SOCIETIES BILL—[BILL 140.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith.*)

COMMITTEE.

Order for Committee read.

THE CHANCELLOR OF THE EXCHEQUER, in moving that the House go into Committee in order that the Bill be reprinted, said, it was not intended to proceed further with it during the present Session.

Motion agreed to.

Bill *considered* in Committee, and *reported*; to be *printed*, as amended [Bill 181]; re-committed for Monday next.

EVIDENCE LAW AMENDMENT (SCOTLAND) BILL—[BILL 165.]

(*The Lord Advocate, Mr. Secretary Cross.*)

SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE, in moving that the Bill be now read a second time, said, one of its objects was to assimilate the law of evidence which should be admissible in cases of divorce in Scotland to what it was in England. The other object was to allow evidence in Sheriff Courts taken by shorthand writers; but, as to the mode in which this should be done, he had some doubts, and it could be discussed in Committee.

Motion agreed to.

Bill read a second time, and *committed* for Monday next.

SHANNON NAVIGATION BILL.

(*Mr. William Henry Smith, Sir Michael Hicks-Beach.*)

[BILL 157.] COMMITTEE DISCHARGED.

BILL WITHDRAWN.

MR. W. H. SMITH moved that the Order for going into Committee on the

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Bill be discharged, in order that the Bill might be referred to a Select Committee.

MR. O'SHAUGHNESSY expressed an opinion that the Bill was not quite satisfactory, and that a Select Committee was the best way of dealing with it.

MR. BECKETT-DENISON wished to remind the House that that was an important Bill, because it proposed to apply £150,000 out of the Consolidated Fund, and £200,000 had already gone in the same direction.

MR. GOSCHEN acquiesced in the Motion; but drew attention that it was a breach of the rule to take no Opposed Business after 1 o'clock.

MR. SPEAKER ruled that a reference to a Select Committee could not, unless Notice of opposition was given, be considered Opposed Business, within the meaning of the Resolution of the House.

Motion agreed to.

Select Committee to consist of Five Members, Two to be nominated by the House, and Three to be added by the Committee of Selection:—Lord FREDERICK CAVENDISH and Mr. WILLIAM HENRY SMITH nominated Members of the said Committee:—Power to send for persons, papers, and records; Three to be the quorum.

IRISH REPRODUCTIVE LOAN FUND BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend the Law relating to the Irish Reproductive Loan Fund, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Sir MICHAEL HICKS-BEACH.

Bill *presented*, and read the first time. [Bill 183.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Thursday, 30th June, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Factories (Health of Women, &c.) * (143).

Second Reading—Intoxicating Liquors (130); Bills of Sale Amendment * (139); Drainage and Improvement of Lands (Ireland) Provisional Order * (125).

Committee—Drainage and Improvement of Lands (Ireland) Act (1863) Amendment * (133).

Report—Board of Trade Arbitrations, Inquiries, &c.) * (103).

Third Reading—Elementary Education Provisional Order Confirmation (No. 2) * (108), and *passed*.

Royal Assent—Magistrates (Ireland) and Commissioners of Dublin Police Salaries [37 & 38 Vict. c. 23]; Four Courts Marshalsea (Dublin) [37 & 38 Vict. c. 21]; Revenue Officers Disabilities [37 & 38 Vict. c. 22]; Harbour of Colombo (Loan) [37 & 38 Vict. c. 24]; Land Tax Commissioners Names [37 & 38 Vict. c. 18]; Bar Admission Stamp [37 & 38 Vict. c. 19]; Churches and Chapels Exemption (Scotland) [37 & 38 Vict. c. 20]; Courts (Colonial) Jurisdiction [37 & 38 Vict. c. 27]; Canadian Stock (Stamp Duty on Transfers) [37 & 38 Vict. c. 26]; Juries (Ireland) [37 & 38 Vict. c. 28]; Militia Law Amendment [37 & 38 Vict. c. 29]; Holyhead Old Harbour Road [37 & 38 Vict. c. 30]; Gas Orders Confirmation [37 & 38 Vict. c. lxxxvii]; Oyster and Mussel Fisheries Orders Confirmation [37 & 38 Vict. c. xviii]; Local Government Provisional Orders (No. 2) [37 & 38 Vict. c. xix]; Public Health (Scotland) Supplemental [37 & 38 Vict. c. xx].

INTOXICATING LIQUORS BILL.

(The Lord Steward.)

(NO. 130.) SECOND READING.

Order of the Day for the Second Reading, read.

EARL BEAUCHAMP, in rising to move that the Bill be now read a second time, said, that he would have to claim their Lordships' indulgence, because he believed that he did not exaggerate when he said that this Bill dealt with matters among the most complex subjects of legislation during recent years. From 1824 to 1872, a period of 48 years, no fewer than 31 Acts of Parliament had been passed bearing, directly or indirectly, on the subject of licensing and the liquor laws, making an average of one Act of Parliament for every eighteen months. In the course of the discussions which occurred in 1872, their Lordships became familiar with the subject, and their experience as justices of the peace further qualified them to judge of the matter of this Bill. There were three courses—*one would have been to have abstained from all legislation and all restrictions, and another would have been to prohibit the sale altogether of intoxicating liquors; but he believed their Lordships would be of opinion that neither of these courses would have been practicable. As to the first, they had some experience in Liverpool, where, from 1862 to 1866, the magistrates afforded the greatest facility for obtaining licences; and although it was too much to say that there was absolute free trade in Liverpool for four years, at all events such a state*

of things resulted from this modified experiment as showed that no effort in that direction could be satisfactory. He thought that after the experience of the last few years no one would refuse to admit that the happiness or misery of the people might be very much increased by the way in which they dealt with this question. A policy of regulation had therefore been adopted by Parliament. It was the duty of those who administered the law to promote public order without unduly trenching upon liberty; but obviously the State had a right to regulate a monopoly. The Act of 1872 did much to evolve order from chaos, and in reviewing what had been done in regard to the question he would begin with that date. The Act of 1872 was divided into 13 heads. In the five latter divisions this Bill would only make trifling alterations, but the changes proposed in the earlier divisions were of greater importance. As to illegal sales, the Bill dealt only with the comparatively small points—one relating to internal communication, and the other to the police. The important point to be dealt with, however, was the question of the hours of closing public-houses. By the Bill of 1872 the power of fixing the closing of houses was placed at the discretion of the magistrates and of the justices of the peace, so far as the country was concerned, to the extent of four hours, at the discretion of the magistrates. The power of the magistrates in respect to licensing public-houses extended over 800 districts, and in 200 of these districts the magistrates had so exercised their discretion as to cause the greatest anomalies to occur: for in certain districts houses were allowed to be open for the full time allowed by the law, while others were closed at the earliest period fixed by the Act. The justices had thus so varied the hours of closing as to cause the greatest dissatisfaction to all concerned. Now, while he had the greatest esteem for the judgment of the magistrates in cases depending on local knowledge of facts, he held that, in this respect, Imperial functions, which they were incompetent to perform, and which belonged to Parliament itself, had been unfairly cast upon them. They administered justice admirably, they discriminated with the utmost acuteness as to matters of character or of fact, but the duty of legislation did not pro-

perly belong to them. In this Bill a great deal of the discretion given to the magistrates had been taken from them. They were, under the Act of 1872, left to decide upon the hours of opening and closing and other matters according to their own judgment, and he was afraid that, in many cases, they decided rather according to their preconceived notions and prejudices than according to the intentions of the Legislature when the Act was passed. The consequence was that great anomalies had arisen, and in adjacent districts different hours had been decided upon; the magistrates in some cases having decided to shorten the hours, and in others to allow the licensed houses to be open to the full extent of time permitted by the Act. The Bill now before their Lordships proceeded upon the principle that the discretion of the justices ought to be restrained. Perhaps it would be better to say that their discretion was abolished altogether; but when they were dealing with a country, the occupations of the inhabitants of which were so various as in that of England, it was very difficult to find any one intelligible principle which would be an unerring and satisfactory guide as to matters of fact affecting all the different localities. There was, however, one principle about which he thought there could be no doubt, and that was, that if they applied as a test the density of population, and classified various parts of the country in that manner, they would have provided something uniform and intelligible, and capable of universal application according to the circumstances of the case. But, of course, there was a difficulty even in deciding according to the density of population. By the Act of 1872 the metropolis was considered as one district, and all places outside came under one other denomination; but now, it was intended to have two classes. By the Act of 1872 the hours of keeping open beer-houses in the metropolis were from 5 to 12; in places above 2,500 inhabitants from 5 to 11; and in places under 2,500 inhabitants from 5 to 10. A great deal of the difficulty connected with the licensing question had arisen from the difference made between beer-houses and public-houses. Those who had considered the question would be of opinion that a great improvement in the law would be brought about by assimilating

the hours of closing as regarded beer-houses and spirit-houses. If beer-houses were to close at 10, and public-houses at 11, they were virtually giving a premium to the public-houses, by affording them the opportunity of supplying intoxicating liquors which the former did not possess. The present Bill proposed that the hours of closing both descriptions of houses should be uniform, and that proposal, if adopted, would do a great deal to clear the way for legislation on this subject. But in deciding upon this point it was not intended to fix the same hours for closing in the country as in the metropolis. The habits of the people were so different in London from what they were in the country that there was little difficulty in determining that the hours of closing in London ought to be later than those of the country. Having decided that point, some distinction must necessarily be made between urban populations outside the metropolis, and what for convenience might be called the rural populations. But having laid that down as a general proposition it would be found that there was a difficulty in reducing it to practice, and in determining precisely what was country and what town. They all of them knew what London was. It was very easy to give a definition to the various parts which together comprised the metropolis. There were the various Parliamentary boroughs and the City, which might be included together; and, besides that, there was the area known as the Metropolitan Police District, or that again controlled by the Metropolitan Board of Works. In this Bill it was proposed that the metropolis should include the whole of the district under the Board of Works, as well as that comprised within a radius of four miles from Charing Cross and the City of London. But when they came to ask themselves how they were to apply the Bill to urban and rural populations, they were met by a difficulty. Indeed, the question of deciding what was a town rivalled in difficulty the question which came before the House of Commons many years ago of deciding what was a pound. It was proposed to define a town, as described for the purposes of the Public Health Act, 1872—

“And any collection of houses adjoining a town as so defined should, for the purpose of the provisions of this Act with respect to the closing of licensed premises, be deemed to be part

of such town after it had been declared so to be by an order of the county Licensing Committee having jurisdiction in the place where such houses were situated, provided that no urban sanitary district, whether including such adjoining houses or not, should be deemed a town unless it contained 1,000 inhabitants."

So that what was a town was precisely defined in that part of the Bill. The urban sanitary districts were well known to the law. It was not intended that those districts having less than 1,000 inhabitants should come under the definition of a town. When, however, the matter came to be fully considered, it was found that our neighbours across the borders had framed a definition, and had met the case by the words "a populous place." The term was used in the Scotch Police Act of 1850, and was taken to mean "any village, place, or locality not being a rural borough or town," within the meaning of the Act of 34th William IV., and containing a population of 1,200 inhabitants or upwards. In 1862 the Police Act in Scotland was still further extended, and the definition of "populous place" was given to districts containing 700 inhabitants or upwards, and that applied to two or more contiguous towns, villages, places, or localities, not included in the 34th William IV. That being the case in Scotland, the Bill now before their Lordships provided that the urban population outside the four-mile radius from Charing Cross, and outside the jurisdiction of the Metropolitan Board of Works, which was called the Metropolitan Police District, together with all places organized into an urban sanitary district where the population was over 1,000, should be deemed to be a populous place. Then, with regard, to a "populous place," the Bill defined it as meaning—

"any area which by reason of the number and density of its population, not being less than 1,000, the county Licensing Committee might by order determine to be a populous place."

In that definition he thought the whole difficulty arising out of the question of what was town and what was country had been satisfactorily solved. The county Licensing Committee, which was appointed under the Act of 1872 by the Court of Quarter Session, had to decide from their local knowledge all cases within their jurisdiction, and to specify the boundaries of such towns or populous places. Having agreed upon uniformity

of hours for both public-houses and beer-houses, and defined a town according to density of population, he thought the House would be of opinion that the provisions of this Bill dealt satisfactorily with the most difficult questions underlying this subject; and although he would not say that those provisions were as a whole altogether free from objection, still he could not help thinking that the Bill would furnish a prospect of supplying an intelligible system of law with regard to this complicated subject. It was, then, proposed to repeal the adulteration clauses of the Act of 1872. In the very year in which that Act was passed another Act on the adulteration of food and drink was passed, and both received the Royal Assent on the same day. He thought it was very invidious to put any class of tradesmen under an exceptional law peculiar to themselves, unless there was absolute necessity for such a procedure. As a law had been passed dealing generally with this subject and making provision in the matter, the licensed victuallers were quite content to be placed under that Act, if the adulteration clauses of the Act of 1872, which they considered, and not unjustly, made an odious and invidious distinction, were altogether repealed. There were other provisions in the Bill now before their Lordships to which he would call attention. Clause 3 was entirely occupied with the subject of the hours of closing to which he had referred. He did not think he need trouble them upon the subject of Sunday closing. With regard to Clause 4, he would observe that a very difficult subject had been removed from controversy—namely, the subject of exemptions as to theatres. The closing hour in the metropolis was fixed at 12 by the Act of 1872; but it was found necessary to give some latitude in the neighbourhood of theatres to enable those who attended those places of entertainment to obtain refreshment on their leaving; but it was found extremely difficult and invidious to exercise this power, which was delegated to the Chief Commissioner of Police. In the present Bill the time of closing in the metropolis had been extended to 12.30, and therefore the necessity for these exemptions would be obviated, and he thought their Lordships would be of opinion that in providing uniformity in the hour of closing they were remov-

Earl Beauchamp

ing a cause of complaint from the licensed victuallers, and at the same time conferring an advantage upon the inhabitants. With regard to this question of closing in the metropolis, he wished to point out to their Lordships that, although the Bill proposed to extend the hour of closing from 12 to 12.30, which appeared to give an extra half-hour, it was really not so, because, by the Act of 1872, as interpreted by the magistrates, a quarter of an hour was practically allowed for clearing the premises. No time would now be allowed for this purpose, and therefore it was practically only an extension for a quarter of an hour. Clause 5 provided that an order of exemption might be granted for the accommodation of any persons engaged in fishing and harvesting operations, but the houses were not to be open before 5 in the morning; and with regard to the hours of closing on Sunday afternoon, that was a matter which was left, within certain limits, to the decision of the licensing justices in places beyond the metropolitan district, and which would have to be decided upon questions of fact, according to the practice prevailing in the respective districts as to the hours of Divine Service. The duty of the licensing justices in this respect would be somewhat analogous to that exercised by the county licensing magistrates with regard to what were and what were not populous places. Then, Clause 8 would enable a person to take out a six days' licence, to enable him to sell intoxicating liquors on every day except Sunday, and also to be entitled to a remission of one-seventh of the duty. The cost of a licence formed a small part of the capital which a publican embarked in his trade, but still he thought that the principle of early closing and six-day licences ought to be encouraged; and as a matter of fact it was one which had been extensively made use of, and therefore it had been thought right to still further extend the advantages afforded in this respect by the Act of 1872. Clause 11 dealt with a very vexed question, in a way which he thought would work satisfactorily. The Act of 1872 made it necessary for a person to prove that he was a *bond fide* traveller before a landlord could serve him with liquor; and it was at the landlord's risk if he supplied a person who had represented himself to be a traveller when it

was proved that that was a misrepresentation. Under the present Bill the person so misrepresenting himself might be proceeded against, and if it was proved that the landlord in serving him with drink truly believed that he was a *bond fide* traveller the justices could dismiss the summons against the landlord. The last section of the clause attempted to regulate rather than to define who were to be considered *bond fide* travellers. No person should be deemed to be a *bond fide* traveller unless the place where he lodged during the preceding night was at least three miles distant from the place where he demanded to be supplied with liquor. It was not provided by that section that any person who travelled three miles should be considered a *bond fide* traveller, but that no person should be so considered unless he had at least travelled that distance. Clause 14 dealt with the discretion of the justices, and a declaration by the Court that a record of an offence was to be made on a licence should be deemed to be part of the conviction or order of the Court in reference to such event, and should be subject accordingly to the jurisdiction of the Court of Appeal. The justices had free discretion to record, or not, all convictions falling under the clause of the Act of 1872. That Act provided that a register should be kept with regard to these convictions, and in case of appeal the judges were directed before making any conviction to cause the register, or an extract from it, to be produced in Court before passing sentence, and, after inspecting the entries therein in relation to the licence of the offender, the Court should declare, as part of its sentence, whether it would or would not cause the conviction for such offence to be recorded on the licence of the offender, and if it decided that such record was to be made the same was to be done accordingly. With regard to the power of constables to enter licensed premises—Clause 15—it was proposed to alter that part of the Act of 1872. Now, that the amendment clauses were to be repealed there was not the same object in giving the police this power, and under the Bill they would not be able to enter the private apartments of the publican. He had grounds for thinking that some of the Act were being repealed, and that a search warrant would not be issued. The power of issuing such a warrant

was referred to in subsequent sections, to which, however, he did not propose further to call their Lordships' attention. He believed the provisions of the Bill would remove some of the hardships which had pressed upon the licensed victuallers, and that they would at the same time meet the requirements of the public. The only other clause to which he would direct attention was the 26th, which provided that an application for the renewal of a licence should not be opposed unless notice of such opposition and the grounds of it were given beforehand. The Bill did not come before their Lordships as a sensational piece of legislation. It was a very moderate measure, and all it was intended to do was to remove some of the anomalies of the Act of 1872. Having had two years' experience of that Act they had been enabled to find out where its shoe pinched. If they agreed to pass this Bill, he believed they would find they had carried still further the beneficial principles of the Act of 1872, in having provided uniform and intelligible regulations for the trade for which they were legislating, and for the maintenance of public order amongst all classes of the community. His Lordship concluded by moving the second reading of the Bill.

Moved, "That the Bill be now read 2^a."
—(The Lord Steward.)

LORD ABERDARE said, their Lordships would concur with the noble Earl (Earl Beauchamp), who had moved the second reading, that the subject of this Bill was one of considerable importance. The Government indeed considered it of such importance, that it was mentioned in the Speech from the Throne. In the other House of Parliament the Home Secretary introduced this measure as one of considerable importance. Now, nothing could be more clear than the statement of the noble Earl in explaining the details of the measure: but there was one thing connected with it which he had not explained. He had not explained why it was thought necessary to bring in this measure at all. Who had called for it? He might be answered, "Look at the elections." But they now knew how utterly hollow, unreal and factitious was the agitation against the Bill of 1872. That Act was first introduced in their Lordships' House by his noble Friend beside

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him the then Secretary of State for the Colonies, (the Earl of Kimberley); it was received with general acceptance, and passed through the House almost unaltered. It went down to the Commons and passed that House also without any important alteration, except on having reference to the hours of closing. It was now objected against the Act of 1872 that it gave considerable discretion to the magistrates, and his noble Friend who had just addressed the House told their Lordships that the justices had largely exercised that discretion—indeed, his noble Friend showed by figures that they had done so;—but what his noble Friend ought to have shown, but had not, was that there had been any want of confidence in the way they had exercised it. He thought that when his noble Friend was objecting to the elastic hours under the Act of 1872 he must have forgotten the quarter from which a suggestion of such elasticity first emanated. It came from his noble Friend the Secretary for India, who when the Bill was under discussion in their Lordships' House asked whether it might not be necessary to have different hours in different places. In many of the cases referred to by his noble Friend who moved the second reading of these Bills, there had been a restriction of the hours named in the Bill, and in others there had been an extension: but had the Government received any Memorials expressive of dissatisfaction from the localities in which the hours had been shortened? Had the Government any reason to think that those localities were dissatisfied? Had they not, on the contrary, abundant reason for believing that they were satisfied? From Liverpool, Birmingham, Chester, and other large towns he had presented Petitions in favour of retaining the powers of the Act of 1872, and to-day he had received a telegram from Manchester speaking of the success of its working in that important town. As to the metropolis, the hour of closing fixed by the Bill of 1872 was received with general approbation. It was admitted that there was a general desire on the part of the publicans that it should be 12 o'clock; but it was suggested that there should be a power of exemption in favour of houses in the vicinity of the theatres, as performances in most of them did not conclude till

after 12. It had been said that the persons for whose special benefit the extension was intended did not make much use of it; and that one of its effects was to enable persons to go from one public-house to another after 12 at night. The Home Secretary was reported to have said that disreputable persons availed themselves of the exempted houses after the other public-houses were closed at 12 o'clock. If that were so, did it not appear an argument against the proposal in the Bill to extend the general closing hour from 12 to 12.30? An hon. and learned Gentleman who at the elections denounced the Act of 1872 as most oppressive, and who spoke in very energetic language of the ignorance and imbecility of its author, had moved that the hour of closing fixed in this Bill should be changed from 12.30 to 12. He received a strong support from the metropolitan Members, and the majority in favour of the additional half-hour was only a small one. He thought the Home Secretary was unnecessarily nervous when he said he would not answer for the peace of London if all the public-houses were closed at 12 o'clock. He himself once said that if two-thirds of the inhabitants were invested with the power of shutting up all public-houses against the will of the remaining third, he should be sorry to be responsible for the peace of the metropolis; but to say that the tranquillity of London would be endangered by the refusal of Parliament to extend the hour of closing by half-an-hour appeared to him to be an exaggeration. To the representation referred to by his noble Friend who moved the second reading, that practically the extension was only a quarter of an hour, he wished to give a most distinct denial. He knew the Lord Chief Justice had decided that a reasonable time was to be allowed to persons to finish the liquor with which they had been served; but inquiries he had made into the matter led him to think that in nine cases out of ten the houses were closed almost immediately the hour had struck. When the present Government brought in their Bill, such a strong feeling against it was exhibited on both sides of the House of Commons, that they were compelled to bring forward almost a new measure on going into Committee. Having fixed the hour of closing

for the metropolis at 12.30, they proceeded to fix that for what they termed "populous places" at 11, and that for "country places" at 10. That would have been all very well had they defined with precision what was the meaning of the indefinite term "populous places." But what definition had they given of that term? None at all. The Bill contained no guide to the justices on the subject—all that was done by the Bill was to give the Licensing Committee a roving Commission to go through the country and to declare of their own will what were populous and what were not populous places. Now, as the public-houses and the beer-houses in the country were pretty numerous, he thought they might expect some strong expressions of opinion from those who were to administer the new law. Turning to the question of penalties, he observed that in framing the Act of 1872, the then Government had kept in view the fact that those in the occupation of public-houses were in many cases not the owners of the establishments, but were the mere servants of the brewers and distillers, to whom one-half of the public-houses and beer-houses in the country belonged; and they did their best to secure the maintenance of good order in all such houses, and to prevent the real owners of them from evading the penalties incurred for misconduct by merely charging the nominal owners—their servants; but the penalties under this Bill would not affect the real owners, but only their servants. The results of the Act of 1872 had exceeded the most sanguine expectations that had been formed of it. Thus in 1869 the number of public-houses was 61,893, and in 1873 it had increased to 62,261; while the number of convictions for offences, which were 3,152 in 1869, had diminished to 2,297 in 1873—being a reduction of 27 per cent. The whole of that reduction was attributable to the beneficial operation of the Act of 1872. The forfeitures of licences, which were 127 in 1869, were only 13 in 1873. He would now come to beer-houses. He found that in 1869 the number of beer-houses was 46,298, which number was in 1873 reduced to 40,923, showing a decrease of 5,375, while the convictions also, which had been 6,371 in 1869, were 1,495 in 1873, showing a reduction of 4,876 in those years, and the forfeitures

were only 14 in 1873, as compared with 1,950 in 1869. One great object of the Act of 1872 was to induce respectable men to enter the trade; and these figures showed, he thought, conclusively, that this result had been attained. Yet, with these figures and these facts before them, and with the knowledge also that since 1872 there had been a great increase in the consumption of liquors, what had the Home Secretary done but introduce a measure for lengthening the hours of drinking and striking away some of the most effectual securities of the Act of 1872 for the good conduct of the public-houses of every description? Why should their Lordships' House and the other House of Parliament have in 1872 taken away from justices any power of discretion in endorsing licences, but because it was clear from the reports made to the Government that that discretion was not always well exercised? Why, also, he would ask, should not the clause imposing a minimum penalty, when the circumstances did not justify the endorsement of the licence, be retained? The Chief Constable of a large county in the centre of England had stated to him that the penalties imposed in different divisions of the county for breaches of licence averaged in the highest £2 15s. 9d., while in the case of the lowest it was only 2s., and between these two amounts there was every variety. It was from a knowledge of these facts that the late Government had insisted on interfering to a certain extent with the action of justices. - He regretted exceedingly that while the Act was working well, while offences had diminished, and no popular feeling had been manifested in favour of the extension of hours, the Government should have thought it necessary to introduce a Bill of this kind. On the other hand he must admit that there were some parts of the Bill that would effect improvements in the law. For instance he thought that the assimilation of the hours of refreshment as regarded public-houses and beer-houses would be useful, and he was glad that it contemplated the removal of the ambiguities which existed at the licensing meetings of justices. The Act of 1862 had only consolidated the powers given to the police to enter the premises of publicans, and any person who thought an alteration had been made in this respect was deluded. That

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power had been in existence since the first year of William IV., and had since been extended up to 1872, when power was given to the police to enter every part of the premises. Their Lordships would see the necessity for this; for what would otherwise prevent a landlord from inviting those who desired to continue in his house drinking, to come into his private room, or to prevent those immoral practices which were carried on in too many public-houses? The entertainment of his friends by a publican after the hours of closing was provided for in the Act of 1872, but the onus of proof lay on him. All throughout the country the magistrates and the Chief Constables were taking up a position against the extension of the hours during which public-houses could be kept open. He trusted that their Lordships would not remove from the Statute Book any of those safe-guards for public order, decency, and temperance which the Act of 1872 had established.

THE DUKE OF RICHMOND said, he would make but a few observations at this stage of the Bill. No one could be surprised at seeing the noble Lord (Lord Aberdare) anxious when an attempt was made to deal with a measure which it had been his duty to prepare and to pass through the other House. We were all apt to look with favour upon our own children, and as a father he could appreciate the feeling with which the noble Lord regarded this Bill. As, however, parents frequently regarded with too much favour the imperfections of their offspring, he was afraid the noble Lord had not quite impartially approached the consideration of the defects of the Bill of 1872, and the manner in which this Bill proposed to remedy them. That Bill was, no doubt, a great step in advance, and for what he had done then, and on previous occasions with more or less success, the noble Lord deserved great praise; but the noble Lord not only did not appreciate the further improvements the Government proposed to make on the legislation of 1872, but he went further, and said that the Government were not entitled to deal with the Act of 1872 unless they were prepared with a scheme that would give universal satisfaction. Now, he (the Duke of Richmond) feared that if they were to wait until they could prepare measures that would give universal

satisfaction, the Statute Book would not be filled with many efforts at legislation.

LORD ABERDARE said, that he had spoken of "general acceptance," and not "universal satisfaction."

THE DUKE OF RICHMOND said, that the experience of two years having satisfied the Government that the Act of 1872 contained certain defects which were capable of remedy they had thought it their duty to attempt to legislate, although the subject was no doubt one which led to a great variety of opinion. The Government could not avoid the conclusion that some of the clauses of the Act of 1872 pressed with undue severity upon various classes of the community, and that it contained restrictions upon trade which it would be desirable to remove. The testimony as to defects of some parts of the Act was such that it could not be put aside; and though the noble Lord might object to the present Government meddling with his Act, they had thought it their duty to remedy these defects. Perhaps the noble Lord remembered that when he was Secretary of State a case came before the Court of Queen's Bench in connection with the Licensing Act, 1872. The question turned upon the liberty of selling intoxicating liquor at fairs. It was necessary on that occasion to lead the Courts through a maze of Acts of Parliament, extending as far back as Edward VI., and Mr. Justice Blackburn remarked that "he hoped he should not be thought very malicious when he expressed a wish that the Home Secretary, when questions on this Act arose, would come and sit beside him and help him to interpret this undigested mass of legislation."

LORD ABERDARE said, he hoped this Act would remove all difficulties.

THE DUKE OF RICHMOND: The Government had attempted to remove them as far as they could. Then, the Adulteration of Food Act received the Royal Assent on the same day that the Licensing Act of 1872 became law, and Her Majesty's Government thought it invidious to subject any particular trade to exceptional legislation on that point. The operation of the Act of 1872 had in some respects been very satisfactory. They had the reports of the Chief Constables, which had been laid before the other House, and which bore testimony that it was satisfactory as to the general operation of the Act.

LORD ABERDARE: There is also the testimony of the Mayors.

THE DUKE OF RICHMOND said, that if the evidence of the Mayors had been laid on their Lordships' Table he had not seen it. No doubt the streets had been more orderly since the hours of keeping open the public-houses had been restricted; but the argument might be pushed too far. If Parliament closed all the public-houses at 10 o'clock the police would be still better satisfied, and the towns would be even quieter. It did not follow, however, that drinking would not be going on, and drunkenness might occur under more unsatisfactory circumstances than at present. Mr. Dunne, Chief Constable of the counties of Cumberland and Westmoreland, after reporting that in the charges of drunkenness there had been an increase of 808, went on to say—

"This increase is to a great extent, I think, traceable to high wages with less work, and the habit of taking drink to private houses for the purposes of drinking there after the public-houses are closed. This habit is generally spoken of as 'the bottle system,' and is resorted to as a mere evasion of the law."

It would appear, therefore, that shorter hours did not of necessity cause a decrease of drunkenness. It was no doubt a remarkable fact that notwithstanding the restrictions upon the trade and the legislation which had been brought to bear on the subject, it appeared that the crime of drunkenness had increased during the last 10 years. In 1863 the convictions for drunkenness and disorderly conduct were 94,745. The number went on gradually increasing until in 1873 it had reached 182,941 — or nearly double what it had been 10 years previously. No doubt the increase might be partly owing to the increased vigilance of the police, but the fact remained that within the last 10 years the legislation which had been put into action had not had that effect on drunkenness which their Lordships so much desired. In fact, the steady increase every year, notwithstanding their restrictive laws, was calculated to suggest a doubt whether these laws were as beneficial as people imagined. It appeared, moreover, from the police tables that the more restricted the hours the larger the proportion of drunkenness to population. In towns where the hours of opening the public-houses were from 5 A.M. to 11 P.M. the convictions for drunkenness

were in King's Lynn 1 in 310; Maidstone, 1 in 569; Colchester, 1 in 425; Peterborough, 1 in 375. On the other hand, in Hull, where the hours were from 7 to 10.30, the convictions for drunkenness were 1 in 80; while in Liverpool, where the hours were from 7 to 11, they were 1 in 27. All this showed that shortening the hours did not prevent the increase of drunkenness. The earlier closing of public-houses had not, therefore, had the effect which might have been supposed, and which had been attributed to the Act of 1872. The noble Lord objected to the discretion of the magistrates being taken away with regard to the hours of opening and closing public-houses; but the Government could not shut their eyes to the Reports which were laid before them, and in these Reports, almost without exception, they found recommendations that the hours should be uniform. Captain Elgin, Inspector of the Northern District, said—

"I consider that uniformity in the times of opening and closing would be an improvement upon the present arrangement, inasmuch as the discretionary power of fixing the hours now vested in the licensing justices not unfrequently causes anomaly and dissatisfaction."

Colonel Bruce, also, the Chief Constable of Lancashire, said—

"It is very desirable that the hours of closing should be defined by the Act and not left to the discretion of magistrates, which, owing to different views taken by the different benches and by different magistrates, causes confusion in police arrangements and leads to unpleasant differences."

These officers recommended that there should be a uniform hour, not an hour to be fixed by the magistrates. But the Chief Constables were not the only authority on the point—indeed, from what had taken place, and from information that had reached the Government, this would appear to be very much the opinion of the bulk of the magistracy throughout the country; for in the Return moved for by Mr. Melly it was stated that out of 890 licensing districts 690 left the hours exactly as fixed by the Act to come into force, there being only 200 in which changes were made. Their Lordships all knew in the different districts with which they were connected, how anxious the magistrates were to do their duty in this matter, and the great trouble they took. Unpaid as they were, and above reproach or suspicion, he

The Duke of Richmond

thought they might safely trust them with the power of dealing with the justice of the country; but different benches might have different views with regard to the closing of public-houses—one bench might be a strong teetotal one, while the neighbouring bench might have a bias in quite another direction. It was not a convenient thing that the closing of houses should be left to the discretion of magistrates, because they could not altogether exercise that power with satisfaction; but he ventured to think it did not lay in the mouth of the noble Lord (Lord Aberdare) to say anything against that provision of the Bill, because when his noble Friend (the Earl of Kimberley) introduced his measure in 1872 the hours were fixed in the Bill, and it was only owing to pressure and the lateness of the Session that he was induced to give the discretionary power to magistrates; therefore they were only carrying out the matured views of the late Government, and it was not putting it too strongly to say that if in the month of August, 1872, the noble Lord had been enabled to carry out his views in dealing with the subject of the hours in that Bill, it would have been exactly what was now proposed, for he only gave way when he found he could not carry his Bill through Parliament without making that concession. Practically, the noble Lord's proposal did not then differ very materially from that in this Bill. Without trespassing further on the time of their Lordships with reference to the question of hours, he would just touch on one or two points connected with other portions of the Bill to which the noble Lord had alluded. He thought there would be a great advantage in the security which this Bill gave to persons of good character who might be desirous of entering into or enlarging their business. Such a person, interested in premises about to be constructed for the purposes of the trade, might apply to the licensing justices for a provisional grant of a licence for such premises; so that when the premises were finished—perhaps at the end of one or two years—he would be able to commence business at once. Again, where on conviction a licence was forfeited without the disqualification of the premises, the owner might apply to the justices for an endorsement of the licence, which would enable him to carry on the business until

the next licensing day. Then the clause in the Act of 1872, making it compulsory on the magistrate to inflict a fine of at least 20s. for the most trivial offence, was not at all satisfactory, and in his opinion the alterations to be made in the law in that respect would be a great improvement. The Bill now proposed that this compulsion should not commence until the second or subsequent offence. Then, again, the manner of endorsing the licences was, he conceived, more satisfactorily dealt with in this Bill than in that of 1872. Many cases would arise where great hardships would be inflicted by a magistrate being compelled to endorse a licence because of a previous conviction for some petty offence. The present Act empowered the magistrates to call for the register of licences, and to decide after inspection whether they would not direct the present offence to be endorsed on the licence. Then as to the power of the police to inspect the premises, that power would still exist, although the police would not be invited, as they were by the Act of 1872, to go into the domestic parts of the house, which might have been necessary in dealing with adulteration of the liquors sold, but was no longer necessary when that part of the Act was taken away. There was also in this Bill a definition of the *bond fide* traveller which might be useful; while the clause enabling the publican to entertain his private friends, introduced by the hon. and learned Member for Marylebone (Mr. Forsyth), was a very proper one. He had thus endeavoured to touch on the main points raised by the noble Lord. All those points—except that relating to the *bond fide* traveller—were in the Bill as introduced by the Government, and he hoped he had said enough to induce their Lordships to give it a second reading. The object of the Government was, not to supplant, but to supplement the legislation of the late Government; and, while considering the wants of the public, they were desirous of giving relief to that very respectable body of traders upon whom they thought the operation of the Act of 1872 had most severely pressed—an operation which he felt sure it was not the intention of the late Government to occasion, and which he knew it was the intention of the present Government to remove.

THE EARL OF KIMBERLEY said, he might be open to the reproach of an undue predilection for the Act of 1872, for although the Bill was not his, yet, as he had introduced it in their Lordships' House, it might in some sense be said to be his child by adoption. He believed that the Bill when introduced was a necessity; but still, like his noble Friend behind him (Lord Aberdare), he was agreeably surprised by the great success of the working of the Act. If the Bill had not been a good one, he would have been no party to it; but the subject was so difficult, the matter was so much disputed, and so great an irritation had been caused throughout the country by previous attempts at restrictive legislation, that he was really surprised at the acquiescence the Act of 1872 had met with from the great bulk of the population; although to some extent it had excited great animosity on the part of the publicans. His noble Friend behind him and himself quite admitted that some clauses of the present Bill would be improvements upon the existing law. One of these was the clause that enabled a person who intended to erect a public-house to lodge plans and obtain a provisional licence; another improvement was the clause which provided for the issue of occasional licences for fairs and races; and there were other points in respect of which this Bill would effect substantial improvement. On the other hand, there were some points which might be amended in Committee. What his noble Friend (Lord Aberdare) most complained of in this Bill was that one of its main provisions—that relating to the discretion of magistrates—had been materially altered. When the Bill of 1872 was introduced, the two great points to which attention was directed as those upon which the policy of the Act depended were the hours and the penalties. The Bill as he (the Earl of Kimberley) introduced it, and as it left this House, contained fixed hours, and it was therefore obvious that the then Government were of opinion that fixed hours were to be preferred before elastic hours; but discussion in the other House showed that elastic hours were preferable, and since then we had obtained—what was better than the decision of a Government—the experience of two years, which showed that, on the whole, the elastic

system had worked well. He did not assert that in some cases it might not have been open to the objections named; occasionally the exercise of discretion might have caused dissatisfaction; but, on the other hand, we must expect dissatisfaction under a hard-and-fast line; and, upon the whole, looking to the differences of opinion which existed in various parts of the country, he thought it had been convenient that there had been a power of varying the hours to a certain extent. He believed the operation of this Bill would be, upon the whole, to restrict considerably the hours within which public-houses would be open, because the 10 o'clock rule would embrace many places in which they were not now closed so early. On the question of penalties he would not attempt to follow his noble Friend, nor to enforce his argument that a minimum penalty was required; but it was notorious—and there was no blinking the fact—that in many small places the justices were to a large extent in the hands of the brewers, and the result was that the penalties imposed were practically of an illusory character, and, in point of fact, the law was not carried out. Their Lordships who acted on the Bench with rural magistrates were not in a position to appreciate the force of the objection to there being no minimum penalty in the Act. He believed the noble Duke opposite (the Duke of Richmond) strongly advocated a minimum penalty last year. As to the record of convictions upon the licence, to which he attached great importance, there was a greater difference than might at first sight appear between leaving endorsement optional with the magistrate and making it compulsory in certain grave cases; but on the whole he did not object to the provision which left it to the judgment of the Court whether the conviction should or should not be endorsed on the licence. As to the visitation of public-houses, the noble Duke said that the Act of 1872 invited the police to enter the private apartments of licensed victuallers whenever they thought proper, but that by this Bill that power was taken away. The change proposed, however, was reduced to a minimum when it was said that the present law invited the police to search, and the Bill gave them power to search without inviting them to do so. He should be quite content as long as the

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police possessed the necessary power and the law was enforced, whatever might be the grounds on which they acted. On the whole, he could not congratulate the publicans on having obtained any great boon in this Bill. Leaving the details of the Bill for discussion in Committee, he would only entreat their Lordships carefully to consider the clause relating to the hours in "populous places," and, above all, the definition by which that phrase was explained in the Bill. His objection to it was that it spoke of density of population without reference to area; so that 1,000 persons might make a populous place of an area of 500 square miles, which clearly could not be intended. It was absolutely necessary that the magistrates should receive more definite instructions than the Bill gave them. It was not the wish of his noble Friend and himself to embarrass the Government by obstructing the progress of the Bill, and so far as by police regulations it would check the spread of drunkenness, they would do all they could to improve it.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Tuesday next.

House adjourned at half past Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 30th June, 1874.

MINUTES.]—PUBLIC BILLS—*Second Reading*—*Tramways Provisional Orders Confirmation* * [182]; *Hertford College, Oxford* * [103].
Select Committee—*Merchant Ships (Measurement of Tonnage)* [148], Lord Easington and Mr. Gourley added.
Committee—Report—*Spirituous Liquors (Scotland)* * [10-185].
Report—*Chain Cables and Anchors* * [85-184].
Third Reading—*Civil Bill Courts (Ireland)* * [174].

CHANCERY FUNDS ACT—THE NEW RULES—QUESTION.

MR. GOLDNEY (for Mr. GREGORY) asked the Financial Secretary to the Treasury, Whether his attention has been called to the loss sustained by infants entitled to the benefit of small sums in the Court of Chancery by the

operation of the Chancery Funds Act and the orders made under the same; and, when any new orders will be laid upon the Table of the House?

MR. W. H. SMITH: All objections, Sir, to the new Rules issued in 1873 have been carefully considered, and a draft set of amended and consolidated Rules have been prepared and approved by the Lord Chancellor. They are at present under the consideration of the Treasury, and there is every reason to hope they will be issued shortly, and will go far to meet the difficulty referred to by the hon. Member.

MALARIA—THE "EUCALYPTUS GLOBULUS."—QUESTION.

COLONEL EGERTON LEIGH asked the Under Secretary of State for the Colonies, Whether any steps have been taken to introduce the "Eucalyptus Globulus" into the Gold Coast, the West Indies, and other unwholesome colonies, with a view to reduce or destroy the malaria?

MR. J. LOWTHER: Sir, the Colonial Office has been informed by Dr. Hooker that it is doubtful whether this tree, which is a native of the cooler parts of Australia, will thrive in West Africa or in any thoroughly tropical climate; and that its sanitary properties have been much exaggerated. It has been for years cultivated, I am sorry to say, without success, in Mauritius. Seeds have, however, been sent to Grenada and the Leeward Islands, as well as to Sierra Leone, and information upon the subject has been given to the Administrator of the Gold Coast.

INDIA—TREATY WITH SIAM.

QUESTIONS.

GENERAL SIR GEORGE BALFOUR asked the Under Secretary of State for Foreign Affairs, If the Treaty lately concluded between the Government of India and the King of Siam, has been communicated to the Foreign Office; and, if so, then whether any, and what Consular Officers are to be appointed to carry out the Treaty? He would also ask the Under Secretary of State for India if the Treaty concluded between the Government of India and the King of Siam, published in the "London and China Telegraph," of 23rd June, is authentic; and, if so, whether any

modifications could still be made in the Treaty before its final ratification; and, when a Copy of the Treaty will be laid before Parliament?

LORD GEORGE HAMILTON, in reply, said, the Treaty referred to was authentic; but, as it had been ratified, it would not be possible to introduce any modifications now. If the hon. and gallant Member would move for a Copy of the Treaty being laid on the Table, he should be glad to produce it.

MR. BOURKE said, that the duty in question would be performed by Mr. Knox, Consul at Bangkok.

POST OFFICE—WEST INDIA MAILS.

QUESTION.

MR. DAVID JENKINS asked the Postmaster General, If, with the view of accelerating the delivery of the Mails, he will consider the advisability of substituting our most western port, Falmouth, for Plymouth, as the port of call for the West India Mail Steamers?

LORD JOHN MANNERS, in reply, said, that the West India Mails had been for some time landed at Plymouth instead of Falmouth, among other reasons because the steam packets as a rule performed the voyage just as quickly to Plymouth as to Falmouth; and the distance to be traversed by railway cost much less from Plymouth than from Falmouth, especially between London and the manufacturing districts. It was, therefore, proposed to continue the agreement by which the homeward bound West India Mails were landed at Plymouth; and, after being sanctioned by the Treasury, it would shortly be proposed to the House of Commons. Moreover, the railway from Falmouth to Plymouth was only a single line, and it, therefore, did not afford the proper facilities which were required.

INDIA—THE BENGAL FAMINE.

QUESTION.

MR. FORSYTH asked the Under Secretary of State for India, If he will state to the House the exact number of cases of death from starvation, owing to the famine in Bengal, so far as authentic information has been received up to the present time?

LORD GEORGE HAMILTON, in reply, said, the latest authentic information

received at the India Office reported the actual number of deaths from starvation in Bengal as being 23.

THE MAURITIUS—THE MAGISTRACY.
QUESTION.

CAPTAIN BEDFORD PIM asked the Under Secretary of State for the Colonies, Whether the Colonial Office has received any information as to two sentences recently passed by one of the district magistrates in Mauritius, in one of which he sentenced Mr. Piddington, an engineer of great eminence in the Colony, to pay a fine of £5 and suffer fourteen days' imprisonment for a slight assault on a Coolie under circumstances of considerable provocation; and, in the other, he inflicted on a Coolie who had attempted to murder a hospital surgeon a fine of £1, and ordered the surgeon to pay the costs; and, whether it is true that in Mr. Piddington's case the Governor has refused to receive a humble and respectful Petition, which prayed his intervention upon the ground, not of any informality in the Petition or its wording, but of some personal complaint made by the magistrate against Mr. Piddington's Attorney?

MR. J. LOWTHER: No official information, Sir, has been received at the Colonial Office, although my attention has been called to some newspaper paragraphs containing the information alluded to in the hon. Gentleman's Question. Until some official communication is received, I cannot afford any information upon the subject.

CHURCH PATRONAGE (SCOTLAND)
BILL—COMMUNICANTS—THE RETURNS.—QUESTION.

MR. M'LAREN asked the Lord Advocate, Whether, in the paper now being printed for the information of the House, in connection with the Church Patronage Bill, to show the number of communicants in each parish in Scotland, he can arrange the details in two columns, the one to give the numbers who will be authorized to vote in the election of ministers according to the interpretation clause as "being of full age," and the other column to give the numbers who will be excluded from the power of voting by not "being of full age?"

THE LORD ADVOCATE: The Motion for the Return did not point out

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that there should be a distinction made, and I am sorry the Return does not enable me to do what the hon. Member asks.

THE CHURCH IN GIBRALTAR AND MALTA.—QUESTION.

MR. WHALLEY asked the Under Secretary of State for the Colonies, with reference to the operation of Orders issued by Lord Kimberley reducing the Protestant diocese of Gibraltar to the position of a Missionary Church, and to the representations made by the Reverend Mr. Wayne, of Malta, and others, complaining of the degradation and injury sustained by the Protestants of Malta thereby, Whether any, and what steps are to be taken to afford due protection to public and private interests against this supremacy claimed and now exercised by the Church of Rome in that Colony?

MR. J. LOWTHER: I am not aware, Sir, of any "orders" issued by Lord Kimberley upon the subject referred to in the hon. Gentleman's Question; but the Letters Patent of the 15th of November, 1873, were repealed under the advice of the then Law Officers of the Crown, and the new Bishop was consecrated by virtue of a mandate, dated the 5th of December, 1873. As to the case of Mr. Wayne, no official representations have reached the Colonial Office; but a private communication has been received which, together with others, is now under consideration.

ORDERS OF THE DAY.

MR. DISRAELI moved, "That the Orders of the Day be postponed till after the Notice of Motion relating to Parliamentary Relations (Great Britain and Ireland.)"

Motion agreed to.

PARLIAMENTARY RELATIONS (GREAT BRITAIN AND IRELAND)—HOME RULE.
COMMITTEE.

MR. BUTT rose to move the Resolution of which he had given Notice—

"That this House resolve itself into a Committee of the Whole House, to consider the present Parliamentary relations between Great Britain and Ireland."

The hon. and learned Member said, that as a large number of the people of

Ireland entertained the opinion that the present relations between the two countries were unsatisfactory, he felt that those opinions ought to be submitted to the consideration of this House. In the difficulties in which he was placed in bringing the question forward, he certainly had this support—that he knew he was addressing an audience that would give him every indulgence. He had already read the Motion which he intended to submit to the House, and if he were fortunate enough to obtain assent to it, and they went into Committee, he intended further to move—

“That it is expedient and just to restore to the Irish Nation the right and power of managing all exclusively Irish affairs in an Irish Parliament; and that provision should be made at the same time for maintaining the integrity of the Empire and the connection between the Countries by reserving to this Imperial Parliament full and exclusive control over all Imperial affairs.”

Now, at the outset he would say a few words as to the form in which he had submitted his proposals, and he believed that in moving that the House resolve itself into Committee, he was strictly adhering to Parliamentary usage. This was the form which was repeatedly observed in olden times in reference to matters connected with the state of the nation. The question of Roman Catholic Emancipation was dealt with in this way; it was the course taken by the right hon. Gentleman the present Prime Minister in his Reform Bill, and later still the right hon. Member for Greenwich (Mr. Gladstone) followed his example in his Resolutions regarding the Irish Church. He did not wish to shelter himself in moving this first Resolution under any vague generalities; but he proposed at the same time to discuss the two Resolutions which he intended to follow if the House went into Committee. He believed his duty was to put the House, as far as possible, in possession of the fullest and most complete information as to the plan he intended to submit, the new arrangement he proposed in the place of that which now existed, and which he maintained was imperfect. He believed he was entitled to do this with some authority, for in the course of last autumn he and those who agreed with him in wishing for a new arrangement, as far as the present law of the land permitted them, took steps to obtain the general opinion of

the people of Ireland. A requisition, signed by 25,000 persons fairly representing the middle classes, at all events, of three of the Provinces, and no inconsiderable portion of the fourth, had been got up for the purpose of having a Conference in Dublin, where the plan he now proposed was fully and deliberately considered. At that Conference certain Resolutions were adopted, and 59 Irish Members who were returned to the present Parliament entirely assented to those Resolutions. After that there could no longer be any room for doubt as to what the Irish people desired, and whatever might be the decision of the House on that question, he was anxious that it should be distinctly understood that they were not seeking separation from England, but that, whether their plan was right or wrong, the object was to perpetuate and consolidate the connection between the two countries. In the Resolutions to which he referred, the Conference declared it to be their conviction that it was essential to the peace and prosperity of the people of Ireland that they should have the right of domestic legislation with respect to all Irish affairs; that the right of the Irish people to self-government by means of a Parliament assembled in that country was inalienable; that in asking for those rights he adopted the principle of a Federal arrangement which would secure to that Parliament the power of regulating all the internal affairs of the country, while leaving all Imperial questions to be decided by the Imperial Legislature, such as all matters relating to the defence of the Empire and the providing of supplies for Imperial purposes. The Resolutions which the Conference passed, embodying these views, laid down the principles of the party very distinctly, and, so far as he could see, there would be no difficulty in carrying them into effect. He had heard them described as “misty,” and perhaps they did not rival the conspicuous terseness of those statesmen who never wrapped their thoughts in involved sentences and ambiguous phrases; but to his mind there was no possibility of mistaking them. The Resolutions he now submitted to the House were very clear, and if they were debated, it would be seen that they were quite sufficient to guide the House to a conclusion. In the next place, he would direct their at-

tention to this fact—that they involved no change in the Constitution; and he was anxious that the House should clearly understand this. He proposed no change in the Imperial Parliament, and if his scheme were adopted, the House would meet next year just as it had done this; there would not be a single change in Members or constituencies; there would be the Members for Leeds, Glasgow, Dublin, and Limerick—the only change would be to take from that Assembly some of the duties which it now discharged in reference to Irish business, and to relegate them to another. That being so, he was tempted to ask, whether the removal of the Irish business from that House would be regarded by hon. Members as an intolerable grievance? Some might be of opinion that it would be no great grievance if the Irish Members were sent away; but the great majority, he believed, would be of opinion that if the Irish business were transacted elsewhere, more time would be left for the transaction of the legitimate business of the House. Now, he might be asked what he called Irish business; and further, if, should Irish Members go into a Parliament of their own to transact their own business, they would still claim the power and privilege of voting on English questions in this House? He would answer the second question by saying emphatically “No;” for he was of opinion that the voting of Irish Members on English questions had been a great damage to themselves, to the character of Parliament, and to English legislation. Before going further into that subject he might be permitted to give a retrospective glance at the history of Ireland, which he hoped would guide the House a little in forming an opinion on the question at issue. The rights of Ireland with respect to its Parliament originated with the first time an English Monarch set his foot in that country. The right to Parliamentary institutions followed the English Commons, and when King John proclaimed common law in England and gave England its Magna Charta, he became bound to govern in Ireland as in England—through the medium of the great Council of the nation assembled in Parliament. It was, indeed, true that for some time the whole Irish nation was not represented in the Irish Parliament; be-

cause the country was not then all divided into shires, and not all subject to English law; but wherever English law was established and shires were formed, by virtue of the common law, the freeholders of every county returned Members to Parliament exactly as in England. In the reign of James I. the country was all divided into shires, and there was then, for the first time, a full representation of the people, and James exercised the right which English Monarchs had not then forfeited, of establishing boroughs in Ireland. These boroughs were established according to English law. From the days of James I. Ireland had her Parliament. It was interrupted, no doubt, by wars, but from the Revolution down to 1800 it regularly met; and the electoral franchise was precisely the same in Ireland as in England. He did not want to conceal from the House that during that period restrictions were put upon the action of the Irish Parliament. From the earliest period it had been admitted that the Crown of Ireland was an inseparable dependency upon the Crown of England, and this was strongly expressed by Mr. O'Connor when he said that whoever was King *de facto* in England was King *de jure* in Ireland. Her Majesty was Queen of Ireland in virtue of an Act of Succession passed by the English Parliament. It followed from this in former times that Ireland had really no potential voice in any question of peace or war, or in the government of our colonies and dependencies, although they could refuse supplies to the English Parliament if they thought fit. In 1782 the Irish Parliament acquired new rights. The English Parliament gave up the claim to legislate for Ireland, and the Irish Parliament, with the consent of the Sovereign, modified Poyning's Law, so as to make it necessary that its Acts should receive the assent, not of the English Parliament, but of the English Privy Council. This state of things continued until 1800. It was easy to judge after the event, but one could not help recognizing that the settlement of 1782 carried with it some seeds of weakness. At present such an arrangement would be defective in two respects. It would fail to do justice to Ireland, for it would not give her a voice in Imperial affairs, and would compel her to go to war without consulting her; and it would injure the strength of the Empire by not giving

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to one Parliament, in case of necessity, the power of controlling the energies of the whole United Kingdom. The resolutions of the Dublin conference proposed to supplement the Constitution of 1782 by giving Ireland a representation in the Parliament which regulated Imperial concerns, and by giving that Parliament power to tax all the resources of Ireland for Imperial purposes. He would ask the House to consider for a moment what the Irish Parliament did in the period to which he had referred. It consisted of 300 Members, of whom 64 were returned by the freeholders of the country, and about 64 others by election, more or less popular; while all the rest were absolutely the nominees of the proprietors of close boroughs. It was exclusively a Protestant Parliament, and this was another source of weakness. But what, nevertheless, did it accomplish? It wrung from the Privy Council of England an Act for shortening the duration of the Irish Parliament to eight years; it admitted Roman Catholics to the electoral franchise; it repealed the penal laws; it opened the Dublin University to Roman Catholics more than half a century before they were admitted to any English University; and he believed that, if its course had not been interrupted, it would have settled the question of Catholic Emancipation, and others of vital importance, with results very different from those which they had witnessed in Ireland. He hoped that English Members would try, when considering this subject, to place themselves in the position of Irish Members, who had to impress upon the House how strong was the desire on the part of their countrymen to have a Parliament of their own. The period from 1782 to 1800 was, beyond all doubt, one of great prosperity in Ireland; and the fact was acknowledged by the Earl of Clare in the remarkable speech in which he moved the Union in the Irish Parliament. Both friends and enemies testified that her progress was far greater during the period in question than that of either England or Scotland. He did not altogether attribute this prosperity to the wise measures of the Irish Parliament. At the same time, it was undeniable that they did pass many measures calculated to foster trade and industry. But there was a virtue in freedom. It gave independence and an energy of

mind; and whether we looked to the great Republic across the Atlantic, or to the ancient Republics of Italy, or to Belgium, or any other country which had acquired freedom, we invariably found that, by some law of nature, prosperity and peace followed liberty. He attributed the prosperity of Ireland at that time far more to the consciousness of the Irish people that they had the management of their own affairs than to any measures passed by the Irish Parliament. In 1800 the Irish Parliament was done away with, and he had no hesitation in saying that that act was a dark spot in the history of England. There was no excuse which could justify the course then taken, because the Irish Parliament had never refused supplies to the English Parliament; on the contrary, it had granted them with lavish liberality. In the time of the Regency in the reign of George III. an Act was passed that whenever a Regency was declared in England it should be the same in Ireland. Then came the French Revolution and the spread of democratic and revolutionary principles. The Habeas Corpus Act was suspended in both countries. In England the storm passed over without danger; but in Ireland men who sought the same ends—and it was said that discontent was fostered by the Government—were very differently treated than English discontents. 130,000 British troops occupied Ireland at the time, martial-law was proclaimed, public meetings were dispersed by military force, and whilst the whole country was suffering under martial-law the Union was proclaimed. He was sorry to say that corruption of the grossest character largely prevailed. The patrons of boroughs sold their boroughs to the Government—some for peerages, and some for money; and in cases where sitting Members would not vote they were compelled by Act of Parliament to vacate their seats. Sixty-three of them did vacate their seats, and their places were filled up principally by the officers of regiments quartered in Ireland to keep down the Irish, and who had nothing whatever to do with Ireland. All contemporary testimony concurred in this—that the most open bribery prevailed. Mr. Grattan said that Lord Castlereagh stated openly that if half a million of money were wanted to carry the Union it should be used. The threat

was pursued, offices were offered to some, titles to others, and corruption to all. Lord Plunket said that revolutionary France never equalled the crimes committed by England to carry the Union.

"For my part," said the noble Lord, "I shall resist to the last gasp, and when I see my efforts are of no avail, then, like the father of Hannibal, I shall lead my children to the altar, and make them swear eternal hatred to England."

Mr. Saurin, who was Attorney General for more than 20 years, and who was one of the ablest lawyers that any Bar ever produced, stated in the Irish House of Commons that this Union was not binding on consciences. Resistance was a duty, and the time when it took place would be a matter of opportunity. These utterances were still living in the hearts of the Irish people. The Irish people had never given their assent to the surrender of their Parliamentary rights, and the authority of the United Parliament rested, so far as Ireland was concerned, upon crime as great as that which caused the disruption of Poland. He, as a friend of order, regretted that such was the case, and he thought it would be better for both countries that the authority should rest in the willing assent of the people, and not be supported, as now, by force. In weighing the desire of the people for restoration, they must not ignore the passions and the prejudices of the nation, their attachment to old principles, their indignation at the fraud perpetrated on them, and the wrong done them in wresting independent government from them. These were the forces at work which statesmen could not ignore. The Union having been carried there was no dissolution of the English Parliament, the 100 Irish Members simply took their seats in the English House of Commons, and there was an end of the matter. All he asked was that the 100 Irish Members should be sent back again to a Parliament of their own, and the English Parliament might go on sitting as it was now. Did the Representatives of English constituencies wish that Irish Members should vote on English questions? He believed they did not. The English Parliament, including the Scotch Members—he would perhaps have a word to say on the last point presently—would meet to discuss purely English affairs, and when there was any question

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affecting the Empire at large, Irish Members might be summoned to attend. He saw no difficulty in the matter. The English Parliament could manage English affairs as before the Union; but now the English Parliament undertook a duty it was unable to perform—namely, to manage the internal affairs of Ireland to the satisfaction of the Irish people. He did not seek to interfere with the right of taxing Ireland for Imperial purposes, providing always that Ireland had a voice in Imperial matters. He was asking only for a Constitutional Government, and the benefit of those free institutions which had made England great. If he succeeded in showing that Ireland had not a Constitutional Government, then he thought he could rely on the justice and generosity of the English Parliament and of the Commons at large to give it to her. What was Constitutional Government? It consisted of adequate representation in Parliament—a control of the administration of affairs by a Representative Assembly of the people, so as to bring the Government of the country into harmony with the feeling, the wants, and the wishes of the people. Did the representation by 103 Irish Members in the English House of Commons amount to that? Could it be said that that House discharged the great function of Constitutional Government to Ireland? If it did not, then it followed that Ireland was deprived of that Constitutional Government which was its inherent right. He knew it might be said that this involved the question whether Ireland and England were not so blended into one nation, that the same House might discharge the duties of a Representative Assembly for both. That, again, was a matter of fact. The House might wish that they were all West Britons, but wishes would not alter facts. They should deal with things as they were. On the subject of whether the two nations were blended into one he would refer to a passage in a speech delivered in that House in the year 1866 by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone.) The right hon. Gentleman said—

"For my own part, I can only beg to say that which I have often presumed to say in this House. We are an united people, with a Common Government, and a complete political incorporation. But we are also an united kingdom made up of three nations, of three countries

welded politically into one, but necessarily and in fact with many distinctions of law, of usage, of character, of history, and of religion. In circumstances such as these there are common questions which must be administered upon principles common to the whole Empire—all those questions in which the interests of the whole overbear and swallow up the interests of the part. . . . There are many other questions in regard to which, in England, in Scotland, in Ireland, that interest which is English, Scotch, or Irish, respectively predominates over that which is common.”—[3 *Hansard*, cxxx. 271-2.]

If the right hon. Gentleman were then present he would call upon him to carry out the logical consequence of that statement, and would claim his assent to their going into Committee of the Whole House. An Irishman travelling through England, while admiring the people and their manufacturing prosperity, and wishing they might long enjoy it, would think with bitter regret that his own country was not likewise prosperous. The two countries were not blended together, because in every department in Ireland the distinction was marked. They had a separate Government, a separate Lord Lieutenant, separate Courts of Law; and exceptional laws were passed for Ireland which would never be tolerated for England. How, then, could one Representative Assembly act for both? Was not the consequence that the weaker country had no Constitutional Government? In this country there was Constitutional Government. The House of Commons administered the affairs of the nation in harmony with the sentiments of the English people. Statesmen in that House breathed an atmosphere of English feeling; they discussed English questions in an English Assembly; they were driven of necessity to mould the administration of the Government in accordance with the wants and wishes of the people. They asked the same for Ireland, and they asked for no more. Would any hon. Member venture to say that Ireland had a Constitutional Government? Was there a department of the Irish Administration which did not consider it its highest policy to thwart the wishes of the Irish people? [“Oh!”] That he said deliberately. Apart from the office of Lord Chancellor there were five great and important administrative offices in Ireland:—that of the Chief Secretary, the Chief of the Irish Constabulary—that Irish Army of Occupation which

was not placed in that country for the purposes of police—the First Commissioner of Police in Dublin, the Chief of the Local Government Board, and the chief of a very powerful, but anomalous Board—namely, the Board of Works. How many of these were Irishmen? Not a single one. And these were offices the owners of which were brought into daily contact with the life of the people. They were all filled at this moment by Englishmen or Scotchmen. He did not complain of Englishmen or Scotchmen holding offices in Ireland, but he thought it something more than a coincidence that five such offices should be so filled. He did not complain upon the administration of the foreign affairs of the Empire. On the contrary, he wished the Queen to have one Parliament to advise her upon foreign affairs, and to use the whole resources of the United Kingdom whenever it was necessary to do so; but he would try the Union by the administration of Irish affairs. At the end of 73 years of union with the richest country in the world, Ireland was, in proportion to its resources, the poorest country in Europe; and at the end of 73 years of union with the freest country in the world, Ireland laboured under a system of coercion more galling and oppressive than existed at that moment in any civilized European State. What had become of her population? In 1800 England contained 9,000,000 of people, and Ireland about half that number. England had increased to 22,000,000, while Ireland had to point to destroyed houses and depopulated villages, and to a people flying across the Atlantic with hostile feelings, he regretted to say, towards the people and the Government of England. Again, let them apply the test of wealth. In 1869 the income of England was assessed to the income tax at £370,300,000; that of Scotland—with a population of 3,500,000—at £39,000,000; while that of Ireland, with her 5,500,000 people, was only £26,000,000. The assessment of trades and professions was still more remarkable. In England it amounted to £147,000,000; in Scotland to £16,000,000; and in Ireland to £7,000,000. In England the number of persons who were brought under the income tax was 350,000, in Ireland 22,000. These facts were not calculated to make Irishmen quite satisfied with

the Union arrangement. It should be remembered that before the Union, Ireland was progressing more rapidly than Scotland. Had the Union realized the hopes that were entertained of it as regarded Imperial purposes? Mr. Pitt said that the descent of the French upon Bantry Bay showed him that Ireland was the weak point of the English nation. If there were a war now, was the feeling of the people towards England better than it was in that former time? Was not Ireland still the weak point of England? This was a subject on which he did not wish to enlarge, but to which he must allude. He said that Ireland was much more the weakness of England now than she was in 1800. Why the Coercion Laws which now existed in Ireland were never heard of in the worst time of Tory oppression, and were framed by a Liberal Government of England for Ireland. There were 31 counties in Ireland in which it was an offence punishable by two years' imprisonment for a man to appear armed, and in which a policeman might, under pretence of searching for arms, enter any man's house at any hour of the day or night, and there were counties in which men were not allowed to be abroad after dusk. Again, the Press of the country was not free. ["Oh, oh!"] He would like to hear the notions of hon. Gentlemen who thought the Press was free. Did hon. Gentlemen say that the Press of Ireland was free, when all the Lord Lieutenant had to do was to give warning to a paper, and, without trial, without jury, and without information, he could seize upon that journal and suppress it? There were journals printed in England which assailed the Queen, the laws, and the Christian religion in a manner which was not known in Ireland; but they did this with perfect impunity. If any newspapers were to be prosecuted, let all be treated alike, instead of having a law under which a newspaper writer pursued his calling under the terror of a ukase which might affect his ruin without leaving him any means of redress. In Ireland every principle of the English Constitution appeared to be studiously violated. In England every man's house was said to be his castle; but there was only one favoured county in Ireland to which the phrase could at all apply. In England a man had a right to be brought

to trial after he had been imprisoned; but only a few weeks back it was his duty to call the attention of the House to the case of a man in Ireland who had been confined for four years without trial and without a charge being made against him, who had been carried about from gaol to gaol upon the mere warrant of the Lord Lieutenant. Was this freedom? With regard to the police force of the country, he had the authority of Lord Ross for saying that they were not kept for the purpose of police, but were, in fact, a military and political force. The same noble Lord said that a fourth of the present force would be ample to preserve the peace of the country. As a matter of fact, the whole government of Ireland was based upon distrust of all classes in the community. Stipendary magistrates were substituted for the resident gentry of the country, and a sub-inspector of constabulary was a more influential person than the lord-lieutenant of a county. The whole record of the legislation for Ireland since the Union was made up of successive Arms Acts, suspensions of the Habeas Corpus Act, to Party Processions Prevention Acts, and Coercion Acts, each one being more severe than its predecessor. And this record was the more gloomy because it was a record of the doings of well-intentioned Parliaments. Notwithstanding all that had been done, the curfew bell of the Norman conquerors was rung in many parts of the country, and in others blood money was exacted after the example of the Saxons. Even if it were true—which he denied—that such a course of legislation had been necessary, that very fact would be its most grievous condemnation. He was therefore justified in saying that up to now the Government of the country had failed, and in asking that the Irish people might have an opportunity of managing their own affairs. He was told that Parliament having passed the Land Act and the Church Act, the Irish people were ungrateful in coming forward and demanding Home Rule also. It was even said that such a course was an act of ingratitude towards the individual Minister who had been mainly instrumental in passing those Acts. All he could say was that such assertions showed the faultiness of the system under which they could be possible. Who ever

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spoke of the English people being grateful for the passing of a good Act? With regard to the Irish Church Act, the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) gave a very clear account of the reasons for bringing it forward, and at the same time he pronounced a severe condemnation upon the whole system of the English Government, for he said the question was not taken up until the termination of the American War and the appearance of Fenianism turned the mind of the country to Irish affairs. If a declaration like this taught the Irish people anything, it taught them that if they wanted a grievance redressed they must get up, at any rate, a mock rebellion, or do something which would enable Parliament to deal with Irish questions for party purposes. The words spoken by one of the Leaders of the Conservative party in Ireland some years ago were still true—

"Government for Ireland there is none, said the speaker to whom he referred. Irish questions are regarded in the British Parliament as means for rewarding auxiliaries or embarrassing opponents; but a Government for Ireland influenced by regard for the wellbeing or wishes of its population there is none."

Was there an Englishman in the House who would not be glad to get rid of the opprobriums attaching to the Government of Ireland? If the wish was really entertained, the way to get rid of it was by allowing the Irish people an opportunity of trying to govern themselves. If they succeeded, great and glorious would be the reward of those who gave the opportunity; if they failed, theirs alone would be the blame. And where was there to be found any valid objection to granting what they asked? The Imperial Parliament would hold the Army, the Navy, and all that was connected with affairs purely Imperial, and no difficulty would be found in separating from Imperial questions those with which an Irish Parliament might properly deal. The United States of America afforded an illustration of a successful Federal Government with independent State Legislatures, and in some of our own Colonies they found instances of people owning the Imperial sway of England, but at the same time managing their own internal affairs. Even supposing that there might be some disaffected Members of an Irish Parliament

—and this he did not admit—they would be in a miserable minority, and the fact of their disaffection being open to the light would give the strongest assurance of its speedy extinction. In two English Colonies were to be found men who, driven out of Ireland because they could no longer endure the system of Government existing there, had become Ministers under the British Crown, and were doing honour alike to the Colonies in which they served and to the Sovereign who had appointed them. Sir George Grey, the Governor of the Cape of Good Hope, wrote strongly in favour of giving a Federal Parliament to Ireland, and he believed in his soul that it would be the means of effecting a complete union with England. Wrong had driven a large proportion of the Irish people into the madness of insurrection or sympathy with insurrection. It was, indeed, the consciousness of this fact which made him set himself earnestly to work to devise a means of stopping this miserable series of abortive insurrections and revolts by which Ireland had been torn and some of the best and bravest of her sons driven into exile. He believed he had devised a plan which would satisfy the just demands of the people without producing a disintegration of the Empire; therefore, he had asked the people to give up the madness of revolt and join with him in constitutionally and peacefully making an appeal to England. Many of the people who supported this moderate proposal would waste their lives in useless struggles against England, if they saw no other redress for the sufferings of their country. Was any Irishman satisfied with the way in which Irish business was conducted in that House? Why, if it was only for the physical impossibility of the House transacting such business in a satisfactory manner he would have made out his case. Were Scotchmen satisfied with the way Scotch business was done, or indeed were Englishmen satisfied with the way English business was done? English business was hurried through at 2 or 3 o'clock in the morning, without discussion, because the House was overburdened with work. This was an injury to the character of the House. They were giving up something every day. He said nothing about the curtailment of the privileges of Irish Members, and

nothing about the shortening of discussions in order that business might be done. The House 30 years ago completely gave up the right of debate upon Petitions, which Lord Brougham said was one of the greatest blows that was ever struck at free discussions in the House, but it was inevitable. Now, the House would purchase cheaply freedom of discussion upon these matters by giving an Irish Parliament the management of Irish affairs. He could conceive many cases of hardship arising from Irishmen interfering in purely English and Scotch questions. For example the Public Worship Regulation Bill was coming down from the other House, and surely Englishmen would deem it a hardship if Irish Members were to prevent them from making such provisions as they thought fit for the preservation of the purity of their Protestant Church? In like manner, Scotchmen would feel annoyed if the question of Church patronage were decided by the voices of English or Irish Members. So strongly did he feel on this point that he had determined to give his vote in accordance with the view taken by the majority of the Scotch Representatives; for they, and not Irishmen, were the proper judges of the matter. If the Scotch Members wished to be separated from the English he should be ready to support them, but if they were satisfied with the English Legislature he should not wish to disturb the existing arrangements so far as they were concerned, and he would in that event propose that the House should meet without Irish Members for the discussion of English and Scotch affairs. It almost of necessity followed that when hon. Members took part in deciding on questions they did not understand they would give their votes according to Parliamentary faction and Parliamentary intrigue. It must not be supposed that all those who had not joined the Home Rule movement in Ireland were in favour of the present method of governing the country. The dissatisfaction was general. A Fellow of Trinity College Dublin, in the course of an historical lecture the other day expressed a strong opinion against Home Rule for Ireland because he was afraid of Popery. "Therefore," said this gentleman, "it is better to continue under a Parliament which blunders in all its legislation than to run the risk of Cardinal Cullen or somebody

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else interfering." Well, there was no wish or intention that this should be the case, and even if there were the Irish Protestants would be a tough moral. The late Lord Clancarty, a Conservative of Conservatives, wrote him a letter in which he approved self-government for Ireland, although he was afraid the Irish people were not trained enough for it. This nobleman was of opinion that much good would result if a Committee of Irish Members and of Irish Peers having seats in Parliament were to meet in Dublin previous to each session for the purpose of considering and reporting upon public and private Bills relating exclusively to Ireland. Many Conservative gentlemen, he believed, entertained the same opinion as the late Lord Clancarty, and would be glad to see a cautious advance made in this direction. It was idle to maintain that the Irish electors did not know what Home Rule meant. He did not mean to say that every man who voted for a Home Rule candidate knew all the details of the plan he had just explained, but neither did every voter who contributed to the Conservative reaction understand all the Conservative principles. But scarcely a man voted for Home Rule who did not perfectly understand he was voting to gain back to Ireland the management of Irish affairs, while pledging the country to submit in all general concerns to the authority of this Parliament. He had passed very rapidly over a great many things, but he had endeavoured to show the plan which they proposed, and which had been adopted after long discussion and full deliberation, and he asked the House not lightly to reject the demand. He believed the Irish people were essentially Conservative. It was only misgovernment that had driven them into revolt. Give them fair play, and there was no people on earth who would be more attached to true Conservative principles than the Irish nation. The geographical position of Ireland made it her interest to be united with England. They were allied to England by ties of kindred and ties of self-interest, which bound them to maintain inviolate the connection with these country, and the way to maintain that connection was to give them justice in the management of their own internal affairs. Had they justice at present? Was the election franchise the same in the two

countries? In Ireland one man in 25 had a vote; in England one in six. In Ireland a man must rent a house, paying £10 rent, to enjoy the municipal franchise; in England the renter of a £1 house could enjoy the franchise; and let them remember that it was since the Union the franchise was varied in the two countries. Give us—continued the hon. and learned Gentleman—a full participation in your freedom, and make us sharers in those free institutions which have made England so great and glorious. Give us our share which we have not now in that greatest and best of all free institutions—a free Parliament, representing indifferently the whole people. Then, indeed, we might speak the words which were spoken before in this House.

"Non ego nec Teucris Italos parere jubebo,
Nec nova regna peto: paribus se legibus ambas
Invictæ gentes æterna in fœdera mittant."—
[*Parl. History*, vol. xxxiv. 285.]

These were the words with which Mr. Pitt closed the speech in which he introduced the Irish Union. Have these promises been fulfilled? Are we under equal laws? Is there no trace in your policy of conquest? Give us a new participation in a new compact, carried, not by fraud and coercion, but founded on the free sanction of the Irish people. Backed as I am now by 60 Representatives of the Irish people, in their name I offer you this compact, and I believe if it is accepted it will be, humanly speaking, eternal. Omniscience alone can foresee, and Omnipotence alone can control the events of the far off and distant future; but speaking for us who can calculate and deal with the forces that move men in the present day, I believe that if you give Ireland the management of her own affairs, many a day will pass before there will be any change in the connection between the two countries. It is with reference to these views; it is in the confidence of these hopes; it is with an unwavering faith in these convictions that I now submit these Resolutions.

Motion made, and Question proposed,

"That this House will immediately resolve itself into a Committee to consider the present Parliamentary relations between Great Britain and Ireland."—(*Mr. Butt.*)

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, that a clear, distinct, and emphatic decision on the question now submitted to their consi-

deration was imperatively demanded. It was demanded in the interest of the Irish people, disturbed from the pursuits of industry by a mischievous agitation for unattainable objects; in the interest of the English people harassed by claims which, consistently with the safety of the Empire, could not be conceded. It was the duty of the Government, which for the time represented the feelings and opinions of the country, to speak with no faltering voice; and he therefore rose at once to give, on their behalf, a decided and emphatic negative to all the propositions that had been offered by the hon. and learned Member who had just spoken. The hon. and learned Member, for the purposes of his case and to maintain his position, even for a moment before the people of England, had abjured Repeal, and had offered them what he thought to be consistent with the abjuration of Repeal and with the maintenance of Imperial power over these Kingdoms. It was an important concession that the hon. and learned Member was obliged to abandon Repeal. The hon. and learned Member severed himself from the whole line of argument and action on which the ablest and greatest man who ever led what was misnamed "the National Party" in Ireland, Mr. O'Connell, founded his agitation upon the question. And why was the hon. and learned Member constrained to abandon Repeal? Because, with almost absolute unanimity and unwavering determination, Parliament had already pronounced against it. Repeal would be fatal to the integrity of the British Empire, immeasurably more fatal to the peace, the tranquillity, and the welfare of Ireland. If there existed a powerful nation in immediate contiguity to an inferior and weaker one, there was no safety for the weaker nation but in incorporation, and no perfect safety for the stronger nation either; because the power of each to injure the other continued as long as they were separate, and opportunity might for the weaker supply the place of strength. But by incorporation they elevated the weaker nation, without in the least degree taking away from the greatness of the stronger one. "If," said Montesquieu, a profound thinker, to Lord Charlemont—"If I were an Irishman I would aim at a union between England and Ireland; as a general lover of liberty

I certainly desire it. Without union, Ireland can never be sure of constitutional freedom." The truth—truth too obvious to need argument for its support—the truth was that England must make Ireland either her partner or her dependant. What did the hon. and learned Member now offer them in lieu of Repeal? He offered them the Sovereign, who was to continue Sovereign of Ireland, an Irish House of Peers, and an Irish House of Commons. There was to be a separate Irish Administration, for that was particularly laid down in his Resolutions. The separate Legislature, with its separate Irish Administration, was to be concerned, wholly, without control, with Irish affairs and Irish interests. If the hon. and learned Member's plan differed from that of O'Connell in the limitation of its range, it still contained the same elements of evil and mischief, and was equally incapable of working. Foreign and Colonial affairs were excluded by the hon. and learned Member's proposal, but it included the whole succession to property in Ireland, all rights connected with property, the entire administration of the law in every branch, all the multifarious relations between the owner and occupier of the soil, all the relations between capitalist and workman, the whole range of education, the entire internal police of the country, and commercial dealings as far as concerned Irish interests. Why, the last subject alone would draw after it what might be the welfare of the Empire. Three years after Ireland obtained her independence she placed herself in direct antagonism to England on what was known as "the Commercial Propositions." Not that they were injurious, but that to admit them seemed to acknowledge English superiority. It was the demonstration thus given of the incapacity of the Irish to conduct their affairs with profit to themselves which made some of the wisest statesmen feel the indispensable necessity of the Union. How were they to avoid similar conflicts under any system by which those questions were to be within the control of an Irish Parliament? Supposing a Resolution or a Bill were passed in that House with regard to commerce or trade, some of which commerce or trade reached Ireland, an opposite view of the subject might be taken in that country, and protective duties, or some similar mea-

sure, proposed in the Irish Parliament. He believed Parliament could not proceed for five Sessions without having, on the single question of commerce, England and Ireland diametrically opposed to each other. A bare majority in Ireland would suffice to create a conflict; nay, it was proclaimed that a bare majority ought to have this power, for let the House observe the principle on which the hon. and learned Gentleman himself proceeded. He endeavoured, he said, to ascertain how the majority of the Scotch Members meant to vote in that House in reference to any subject affecting Scotland, and he always voted in accordance with the views of that majority. The hon. Member knew he would never have unanimity. The North of Ireland was severed by a broad line of demarcation from the South. Its feelings and sympathies always had been, always would be, with England. Therefore he had to lay down the absolute authority of a majority. In the minority might be the wealth, education, intelligence of the country; but still the majority, however small, was to prevail. Was the English Parliament to be paralyzed in its action because some small majority in the Irish Parliament had determined to run directly counter to the feelings of the English people and it might be of the whole Kingdom with the single exception of that one Island? Was the whole control of the education of Ireland itself, and the entire management of its internal affairs, to be handed over to such a majority? It was quite idle to contend that the proposal of the hon. and learned Gentleman was divested of danger because of its limited range. Far from being limited, its operation would extend over everything in which one could take an interest in Ireland itself, as well as in its relations with this country. And what, he would ask, was the position which this country held with regard to Ireland? A very large amount of the property in Ireland was held by persons who were resident in England. He believed that the number of small proprietors from England and Scotland who had purchased land in Ireland since the famine, was more than was generally supposed. A large amount of the shares in railways, and in every single institution which had prospered in Ireland, was held by Englishmen and Scotchmen. English capital, English

industry and interests, were spread over the country as a network. How could an Irish Parliament, then, legislate for Ireland without legislating in relation to a country which was thus interwoven with it? The hon. and learned Gentleman said he and those who supported him did not mean to interfere with any English interests; but how could they avoid it? All questions between the two countries affecting trade, manufactures, customs—the whole system under which money was raised and applied for any of these purposes—must so touch directly English interests that an Irish Parliament could not stir without interfering with them. The House might therefore rely upon it that the present proposal involved as much real danger to English interests as any of its predecessors. But he, an Irishman by birth, education, and feeling, did not stand up to meet the Resolution of the hon. and learned Gentleman merely on English grounds. It was pre-eminently on Irish grounds that he opposed it; it was in the interest of Ireland and Irishmen that he opposed it, and that he emphatically met with uncompromising refusal, propositions pregnant with incalculable evil. Nor were they less impracticable than evil. What was suggested in reference to the constitution of the Legislature that was to deal with all-important subjects?—important to the English, but to the Irish “their whole existence.” On what principle was the Legislature to be framed in whose power would be placed the honour, the education, the internal Government, and the police of Ireland? Were the Irish Peers to be restored and the House of Commons to be elected under the present franchise? The hon. and learned Gentleman had very judiciously left the House on all those points without a particle of information. Did any one imagine that a House of Commons, elected as the hon. and learned Member would wish it, would, for one year even, agree with the existing Peers in policy? In order to place the Upper House in harmony with the House of Commons, were Peers to be created, and what number? And suppose the working of the Legislative machine were brought about in that way, would there not still be the cardinal difficulty to meet, that that part of the country would be opposed to the

scheme, in which the greatest amount of wealth, power, and intelligence were to be found? Did the hon. and learned Gentleman imagine that the North of Ireland would tamely submit to the dominion of a narrow majority constantly meddling with every great interest? Such was the crude, undigested scheme, which the House was invited to adopt, all for the sake of meeting a temporary clamour—that clamour largely created by the injudicious speeches of the late Prime Minister, from which extracts had been read by the hon. and learned Member that evening. If that temporary clamour were yielded to, the result would be a contest between England and Ireland with regard to their interests, and a contest between North and South, in which brute force would be arrayed on one side against wealth and intelligence on the other. And what was that clamour of which he was speaking? Nothing but fear gave it importance. Could anybody call the meeting in Dublin, of which so much had been said, a fair representation of the Irish people? Let the House ignore the property, the highest and the best education of the country—ignore all the wealth, mercantile industry, and activity of the country, and it might, perhaps, look upon that meeting as representing what remained. Why, then, because of such an agitation should the concessions which were asked for be made? But—to come back to the propositions offered for the approval of Parliament—in what an ignoble position did the hon. and learned Gentleman place the Irish Members who were still to sit in that House? A particular time was, it seemed, to be fixed under the new system for the consideration of Imperial subjects; but no matter how important those subjects might be in which England and Scotland only were concerned, an Irish Representative was to have in them no voice. Let the House for a moment contrast such a position with that which an Irish Member at present occupied. He could now take part in the discussion of English questions which might affect the best interests of the human race—of questions intimately connected with the future of a nation whose language had spread itself over the globe, and which had filled the literature of the age with its opinions and its thoughts. And was he, he would ask,

to be debarred from participating in this noble field of government and legislation as a person unworthy to influence the determination of such questions, and to be consigned for the future to that miserable large vestry which the hon. Member proposed to construct in Ireland? Could it be imagined that when Irish Members had banished themselves from the English Parliament, and had consigned themselves to this obscure and ignoble position, they would continue to enjoy all the advantages they at present had? There was not a colony in which Irishmen had not been advanced and promoted. Irishmen had been accorded the greatest justice and favour. The present Lord Chancellor of England was of Irish race, and had been born and educated in Ireland. Recently, as many as five of the Judges of the English Common Law Bench were Irishmen who had been educated in Ireland. In every profession Irishmen had been welcomed and advanced. All the avenues to power and distinction had been thrown open to them. But it had been said that manufactures flourished before the Union, and did not flourish now. If it were so, was this the fault of the English people? Was it possible to point to a single case in which manufactures had ever been the creatures of Acts of Parliament? They were the natural product of a soil suitable for their production. They could not be made; they must grow. But was the assertion true? He would point out what had really been the condition of Ireland in regard to manufactures prior to the Union. Fortunately, there was undeniable evidence at hand on the subject. He would begin with 1781, confining himself to the time when the Irish were in the enjoyment of their "independence." In that year there was a Petition to the Irish Parliament from Cork, alleging a total destruction of its manufactures and consequent distress; and a similar Petition came from Wexford. In 1783 the broad-cloth manufacturers alleged distress, and the Lord Mayor and Corporation of Dublin petitioned for protection and restoration of the industry. Afterwards, the worsted weavers alleged the total decay of their trade, and petitioned for a loan of £40,000, of which £25,000 was granted by Parliament. The hatters also petitioned. Later on, the woollen manufac-

turers complained in the same way of distress. In 1788 the silk and satin manufacturers represented the decay of their industry, and the woollen manufacturers again petitioned. In 1792 the shoemakers asserted that their business was entirely destroyed, English boots being the cause of their ruin. The hosiers, in 1793, said that their trade had ceased to flourish; and 15,000 persons who had been employed in the cotton and wool manufactures petitioned Parliament in consequence of their being out of work. In the same year the silk manufacturers again petitioned. In 1796 the book trade said they were ruined. In 1797 the tanners did the same, alleging the introduction of hides from England as the cause. The builders, in the same year, petitioned because there was a measure before Parliament which would tend to lessen the number of fires. These facts he took from the speech made by Mr. Spring-Rice, in the debates upon Repeal of the Union. What, then, had the Union to do with the failure of manufactures in Ireland? Why was the North prosperous in regard to manufactures, while the South was not prosperous? The simple answer was, that in the former there was an innate tendency towards manufacturing industry, while in the latter the nature of the people inclined more to an agricultural life. Altogether, he believed Ireland to be at this moment in the enjoyment of an unexampled degree of prosperity, although certain manufactures did not flourish. Whatever trade suited the place and the people, did flourish. He would point, for example, to the exportation of porter and whiskey from Ireland, and he saw hon. Gentlemen present, well acquainted with this branch of trade, who he was sure would support him on this point. It was not the English system of legislation which prevented manufactures and trades from flourishing, but the want of capacity and inclination to carry on the system requisite for the particular trade and commerce. Could anyone deny that the three chief towns of Ireland—namely, Belfast, Dublin, and Cork—had progressed, and were still progressing and thriving? Dublin and its neighbourhood had wholly changed since he was a boy, and had increased in wealth to a remarkable degree. As to Belfast, it could stand comparison

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with any other town in the British dominions for the rapidity with which it had, during the last 10 years, advanced in size and wealth. It was idle to deny that Ireland enjoyed at this moment great wealth and great prosperity. One of the very best tests of the growth of wealth was afforded by the amount realized from the probate and administration duties. In this department there was a constant and progressive increase. This increase afforded a measure of the accumulation of capitalized wealth. It was therefore impossible to say that Ireland was in such a depressed condition as to require the remedy now proposed. He would now meet another ground on which the demand for Home Rule was rested—that Irish interests were neglected because the British Parliament had not time to attend to them. The history of a country was to be found, not in declamation, not in vague assertion, but nowhere better than in the Statute Book. Now, so far from Irish subjects being treated with neglect, there was not a single branch of interest in human affairs on which there had not been legislation since the Union by the English Parliament with regard to Ireland. Let them observe, the charge was not directed against the injudicious legislation of Parliament, but it was that Parliament could not attend to Irish affairs. How did the facts stand? There had been more than one Act defining and codifying the law relating to landlord and tenant. The Irish Parliament left a system of renewable leases which extended to at least a fifth of Ireland, expensive and inconvenient to the tenant, but the British Parliament passed an Act which changed the interest of the tenant, which was liable to perish, into a perpetual fee. Again, let them take the Landed Estates Court Act. He doubted whether that great measure could have been obtained from an Irish Parliament. So much for the land. Now, as to ecclesiastical affairs, there had been a constant course of legislation going on in favour of the occupiers of the soil. First, there was the composition of tithes; then there was the commutation of tithes into a rent-charge; and then, next, the Church Temporalities Act, and then the Act for the disestablishment and disendowment of the Irish Church. Now, as to cor-

porations. The Irish Parliament left them with entirely Protestant officers; but the British Parliament altered all that, and passed the measure under which those corporations at present existed, and which gave corporations open without distinction of religion. He now came to another measure which was passed by the British Parliament—namely, the Act passed for the relief of the poor in Ireland. Previously to the passing of that Act, the poor of Ireland lived in huts, half clothed and half fed. O'Connell and the voice of Ireland opposed the passing of that measure, which had given independence and strength to the people of Ireland. [*Laughter.*] Well, that was his view of it, and he believed that was the view entertained by those who thought most impartially upon the subject. Ireland had at present a dispensary system in connection with the Poor Law, which extended to every part of the Kingdom, and which could bear comparison with that of any other country. They owed this to the British Parliament. They owed also the system of the protection of the peace to an Act of the British Parliament. The constabulary—that admirable force—was spread over the whole country, and they were protectors of order who were, he believed, superior to any other body of men of the kind in any other place. He now came to the administration of the law. He would say nothing about the Bill introduced this Session, but many measures in previous years had been passed by the British Parliament, having for their object the simplifying of procedure and improvement of the law in Ireland. County Courts were now established throughout Ireland. The Bankruptcy Law in that country had been reformed. The whole system of Petty Sessions in Ireland had been regulated and made to correspond with the wants of society, and justice was administered in that country cheaply and expeditiously. The Grand Jury laws had been passed by the British Parliament. [*Murmurs.*] They were not now dealing with the question whether those laws were susceptible of amendment. Then they had the Charitable Donations Act. They had had no difficulty in obtaining Acts for the construction of railways in Ireland. There were railways now in

every part of Ireland. The banking system had been placed upon sure foundations by English legislation. Prohibitive and restrictive duties had also been put an end to, and Ireland also shared in the Reform Bills. And now let them contrast the proceedings of the Irish Parliament with that of the British Parliament in the matter of education. "For lack of knowledge the people perisheth," said Secretary Ord, in a debate immediately before the Union. What was the state of education now? The University of Dublin was thrown open without distinction of creed, race, or sect; and the National Board had, on the 31st March, 1873, 1,010,148 children who were being educated in schools in Ireland. Who maintained those schools? Were those schools maintained by Irish contributions? Miserable, indeed, were the contributions of Ireland to education. Was it maintained by using Irish property? No. Was it maintained by a poll-tax on the Irish people? No. It was paid out of the Imperial Exchequer by order of the Imperial Parliament, and from Imperial taxation. When the British Parliament was charged with being neglectful of Irish interests, he would put forward that one single fact of the national schools, because, in his opinion, that would outweigh all the declamation brought forward, to the assertion that there had been neglect of Irish interests. Neither of the intellectual advancement, nor of the material interests of Ireland, had there been neglect. Great unfairness had been shown in speaking of the English Parliament in this discussion. Particular measures were caught hold of, and without the slightest inquiry as to whom those measures were passed by, they were all charged against the British Parliament. They were told that they should consider the wishes of the majority of the people of Ireland as shown by their Representatives; and the very stock in trade of the agitation was Coercion Bills. Now how stood the facts as to the Coercion Bills? On the 19th of May, 1871, the hon. Member for Roscommon (The O'Connor Don), when the Bill to renew the Peace Preservation Act of 1870 was before Parliament, moved that it was not expedient to continue the Act. What were the numbers for the division? Against the

Amendment, 340; for it, 12. Out of 102 Irish Members, only 12 went into the Lobby against the Bill. The House again divided:—For the second reading of the Bill, 293; against it, 11. One had fallen off. When they read that Ireland was deprived of Constitutional Government, or that she existed under a system of coercion without precedent: what was to be said of those who made such charges, when their predecessors, the Irish Members, either absented themselves or voted in the majority so that there was a preponderant majority of Irish Members in the divisions in favour of the Bill? And yet the people of Ireland were left in utter ignorance of the fact of what their own Representatives had done or left undone, and were told that it was the British Parliament which forced upon Ireland measures which were, in fact, measures of Imperial necessity. The Acts referred to had never met with any real opposition in the House, and they were aimed, not at the people, but at crime of a peculiar character, with which the people generally had no connection, of which the people were the victims, and none more than the humble and the poor. The landlord could defend himself by the aid of his servants; but what, except those Acts, was to protect the poor and unarmed tenant and small farmer from the insulting domination of an organized system of violence and outrage? If it were said there was legislation, but injurious, then he asked—Who had proposed those measures? From 1832 to the present time, what were called Liberal principles were in the ascendant, and what were called Liberal Governments in power. And who supported the successive Governments? Who were they that never failed them? Why, the Irish Members. If those measures were wrong, who had voted for them? Whoever else might, Irish Liberal Members could not object to the measures of the British Parliament. But he unhesitatingly said that the answer to the Motion was not to be found in elaborate argument or in dealing with allegations and assertions which were alike unfounded. It was to be found in the perception which must flash across the mind of every man acquainted with the history of the two countries that to grant it would be to weaken, if not to destroy, the power and

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greatness of the Empire. They talked of confining themselves in the Parliament in Dublin to special questions. That was the theory, but they could not limit the range or the aims of the power they had called into existence. It would chip and burst the shell in which it had grown and been fostered, and soar far beyond command or control. What commenced with local affairs would expand to Imperial. Having crushed the landlords of Ireland, they would next proclaim war with the Saxon and the Protestant. They could not measure the progress of representative institutions. The House of Commons, scarcely tolerated by the Tudors, had grown to be the prominent power in the State. The Irish Parliament, however sincere might be the efforts of those who demanded it to check it, would expand to dangerous dimensions. It would become ambitious, and aspire to dictate and intermeddle in the policy of the Empire. Let them take one foreign question. If the King of Italy proposed measures to consolidate his Kingdom, did the House think that this Parliament of Ireland would content itself with passing measures for the cleansing of the Liffey; or that it would not rather, with the whole force and power of religious feeling, endeavour, through the fears of the British Parliament, to force itself into a position of power on the Continent, and to intermeddle in that great organization on behalf of the ecclesiastical system which was at this moment attempting to re-establish itself on the Continent of Europe? They could not bind by legislation, by compacts on parchment or paper, the proceedings of men whom they had banished from amongst them; and when they had reduced them to an obscure position, those men would revenge themselves by becoming the enemies of England's system and race. The safety of England lay in not paltering with this question. It should be met with a thorough, a determined, an uncompromising opposition. The Irish, like other nations—the Gauls of old especially—were an enthusiastic, susceptible, and credulous people. It was the holding out of false promises; it was the spread of delusive opinions; it was the playing upon words as if they were realities—and to them they were realities—that brought the hon. and learned Gentleman and his following into their present

position. The existing agitation owed its being to peculiar circumstances—in no small degree to the incautious and unstatesmanlike utterances of the late Prime Minister on the subject of Fenianism and its influence on the Church question—government according to Irish ideas, or from an Irish point of view. The notion had gone abroad that it was only necessary to ask to obtain. It was that, and that alone, which had raised up this question and given it vitality. Without it, it would have sunk into insignificance. Now they had the question face to face, and they should meet it boldly until the agitation was extinguished. Let them be firm, and it would die. Scotland was at one time equally discontented—and Scotland was a country harder to cope with when there was antagonism of Legislatures. For years after the Union, discontent prevailed. But what said—not a statesman, for he did not deserve the name, but a great and sagacious Minister, thoroughly acquainted with men and affairs—what said he in reference to that very agitation, and there was not a word he uttered that was not applicable to the present movement?—

“You may be sure,” said Lord Bolingbroke, “that all those naturally turbulent and restless all who have languished in expectation, all who have any cause for personal resentment, will take the occasion to add to the cry, and to pursue their own views by intermingling them in this cause.”

That was the history of the present position of affairs. Home Rule had a few—not many—thoroughly disinterested and enthusiastic supporters; with them were joined all the various classes summed up by Bolingbroke. It represented, not a national movement, but the vague and indefinite aspiration and discontent that had not been extinguished, but fomented, by the measures which had been passed. These measures were, in fact, but the precursors of further and general dissatisfaction. They were represented as being the be-all and the end-all, and when the result came it had not justified those representations. All the resulting excitement, unsatisfied expectation, subsequent discontent, had been collected into one current, which swept on and obtained for the moment the name of Home Rule. Let the House meet it as they had done the Scotch agitation. Let them refuse to listen to it. If they met

it in the same way, they might anticipate the same end. It, too, would exhaust itself. It, too, would leave no impress, except on the page of history. There, a future Froude might gather up some broken weapon, covered with dust and oblivion, the only record of the conflict in which they were engaged; just as the husbandman in *Virgil*, whose ploughshare, in passing over the field, once the scene of battle, turned up the fragments of ancient armour. Not that history could continue in the spirit of the description—*grandia que effossis mirabitur ossa sepulcris*. She would find no *grandia ossa*—no remnant of heroic greatness—of a greater race of people who had struggled and fallen; her only wonder would be at the folly, the ingratitude, which gave a temporary importance to an agitation so feeble and so worthless in itself.

MR. R. SMYTH: The Amendment which I had placed upon the Paper is to the following effect:—

"That it would be prejudicial to the material prosperity, and dangerous to the peace and independence of the Irish Nation, to make any change in the Parliamentary Government of those countries, involving a dissolution of the Legislative Union of Great Britain and Ireland."

The speech just delivered by the right hon. and learned Gentleman opposite (Dr. Ball), announcing the course which Her Majesty's Government intends to pursue in this question relieves me from the necessity of moving the Amendment which I have just read to the House. I think the Government was perfectly justified in meeting the Motion of the hon. and learned Member for Limerick (Mr. Butt) with a negative on the threshold, thus refusing to admit that any case has been made warranting the House to go into Committee. It is now merely left to me to join in direct opposition to the Motion. Nor, Sir, do I apprehend any inconvenience either to myself or to the House from my interposing at this stage of the debate, for whilst on the main issue I concur with the conclusions arrived at by the Attorney General for Ireland, at the same time, I am far from disposed to follow in the track of that stern spirit by which he is animated. It is not for me, a humble Member of this House, to take to task the Attorney General for Ireland for the form and spirit in which it may seem meet to him to present the views of Her Majesty's Go-

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vernment; but I must be permitted to say thus much—that I feel for an Irishman the exigencies of whose office compel him to speak with official contempt of a large proportion of his countrymen. I approach this question with far different feeling. It is far from being a pleasant task to me to oppose a proposition which I am sure has had its origin in the most patriotic motives, and which has been sustained by the rare ability and eloquence of my hon. and learned Friend the Member for Limerick. I have two special reasons for regretting the position in which I stand. In the first place, it is never a seemly thing—and certainly as disagreeable as unseemly—for Members on the same side of the House, to join issue among themselves on a vital question of politics. On this point, indeed, I might be somewhat relieved, though not quite consoled, by remembering what was stated last night by an hon. Gentleman opposite (Mr. Lowther) that even the occupants of front benches in this House have not always been able, during the present Session, to set to their followers an example of unbroken harmony. But I have another ground of reluctance besides that of party interests. I am an Irishman, with instincts and feelings as national—I am not one bit afraid to use the word national—as those of my hon. Friends, and I know how much our national cause is weakened and discredited by these divisions among ourselves. Still, there are occasions when convictions must speak out without reference to party, and when it becomes a duty to show—if we can show it—that one set of opinions ought not to be taken as the true and only exponent of nationality. All who pay any attention to political life must have observed that two policies, utterly irreconcilable with each other, have been advocated by Irish Members of Parliament. On the one side, we have the policy of distrust of England, which had, from time to time, its advocates all through our history down to the days of the illustrious O'Connell, and which has found its latest, and not least powerful, incarnation in my hon. and learned Friend the Member for Limerick. Then, on the other hand, there was the policy of distrust of Ireland—the favourite creed of Lord Deputies and Cromwellian settlers—and which always had support from

those Irish Members who voted for Coercion Bills, Peace Preservation Acts, and repressive measures of all sorts and sizes. I do not affirm that this present Parliament contains any of the latter class; but I should not wonder if even the Ballot has left a few of them to keep up the traditions of the times with which the youth of my hon. and learned Friend the Member for Limerick must have been familiar. Indeed, the speech just delivered by the Attorney General for Ireland must have reminded the House of those stormier times when Coercion Bills ran before strong winds to their desired haven on the Statute Book. It is surely worth while to know that there is a third party in Ireland—a party who trust their own countrymen, and who trust Englishmen at the same time—who do not believe that Ireland exists merely for the purpose of being governed by people who live outside of it, and who do not believe that it is the one great happiness of England to make Irishmen unhappy. For my part, I belong to the party of trust, and not either party of distrust, and I reject alike the motto, "Keep England out," and the motto, "Keep Ireland down." The Motion and the speech of my hon. and learned Friend (Mr. Butt) taken together, constitute a serious indictment against the present system of Parliamentary Government in these countries—and that indictment is supported by two sets of arguments. First of all, my hon. and learned Friend asserts that Ireland has a natural and historical right to govern itself; and, secondly, he asserts that the present system of government has wrought badly, has produced only evil continually, and has failed to redress grievances. Now, as to abstract right, that is really a question of too subtle a nature to admit of satisfactory analysis and adjustment in a debate in the House of Commons. Abstractly, I suppose every man has a right to govern himself, and the man who succeeds in doing it well is among the greatest of men, for he who rules his own spirit is greater than he that taketh a city. No man has an abstract right to govern another. The very statement of this proposition is its own proof, for between two it would be impossible to tell where the abstract right lay. But the misfortune is—and this is the simple reply to all this—that

we do not meet with men in the abstract, but generally meet them in the concrete, and if there is one man less in the abstract and more in the concrete than another, it is an Irishman. No one knows better than the hon. and learned Gentleman that human rights, so far as they are political, are conditioned and checked by the general good of society; and however it may grate upon the ears of some hon. Gentlemen around me who may not take time to consider the meaning of the declaration, I must say that I, as an individual, have no political rights separate from the good of the country, and it will be impossible to convince thoughtful statesmen that Ireland has any abstract rights separate from the good of the Empire. Ireland is not now an outlying dependency of England, but her interests are interwoven at every point with the interests of the Empire, just in the very same way, and to the very same extent proportionately, as the interests of England are interwoven with the Empire. Ireland is not as she was once, a mere annex to England, but is an integral part of the Imperial system; and, as an Irishman, I refuse to discuss this question in the assumption, or to blazon it before the world, that Ireland is no more than a political excrescence upon the British Empire. We have just as much to do with England as England has to do with us, and if my hon. Friends want to take lower ground than that, I will not go down with them. I do not stop to inquire—because it is not pertinent to the issue—how it was that Ireland found herself in 1800 introduced into this House. I suppose we all know how that came about. In more recent times people have been charged with giving bribes to get in here; but in 1800 Ireland was bribed to come in. Be it so. We are here now, and I dare to say, here we shall remain, for the simple reason that the Empire, as a whole, considers that we are more useful, or to put it in a somewhat less flattering form, less troublesome inside these walls than we would be anywhere else. While the Empire requires us we shall stay—when it does not require us I suppose we shall be allowed to go. Ireland is now one of the arms of a strong man—a part of the body politic. You may weaken the man by cutting off the arm; but whilst you mutilate the body from which it is taken, the

amputated limb will be useless. Passing from this question of abstract right, may we look for a moment at the historical side of the argument? Here I must express some degree of wonderment that my hon. and learned Friend should have ventured into such a region as history, because if there is one thing which a man, pleading for an Irish Parliament, ought to avoid making the most distant allusion to, it is the history of Irish Parliaments. The patriot who can take comfort from a review of the position, the constitution, and doings of Irish Parliaments in former times must bear within him some intellectual principle, like the philosopher's stone, which turns everything it touches into gold. I submit that there is no political or patriotic alchemy that will fuse into precious recollections the wretched humiliations of Irish Parliamentary history. And yet, it will be observed, the Motion which we are discussing speaks of restoring to Ireland the right and power of managing all exclusively Irish affairs in an Irish Parliament. It is, in fact, a restoration which this Motion demands. We have, then, a deep interest in knowing what is the precise period in the Constitutional history of Ireland which my hon. Friends want reproduced in this second half of the 19th century. I have read the history of my country with some care, and I have glanced over it once more in connection with this very question, in order that I might, if possible, lay my finger upon some epoch that would serve as a model for a Parliamentary restoration. I have failed to find it. I do not know one single buried era in Irish history that I should like to see coming forth in a sudden political resurrection. Has my hon. and learned Friend found it? What is it? Begin with Tara, come down through the days of Brian Boru, Dermot M'Murrough, the Statute of Drogheda, the struggles of Desmond and Tyrone, the Sumptuary Laws, the Government of Wentworth, the violated Treaty of Limerick, the Parliament of 1703, and the Penal Laws, and the whole of the 18th century. I wish we knew what it is we are to restore to the Irish nation. The Irish nation, as a nation, had no Parliament in the 18th century, and in all her history Ireland never had so much a Parliament of her own as she had from 1868 to 1873, with the right hon. Gentleman the Member

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for Greenwich (Mr. Gladstone) at its head. Let us see who sat in the Irish Parliament of the 18th century. Only Protestants—Sacramental Protestants—no Catholic or Dissenter was admitted within the walls of the Irish House of Commons. It was reserved for the united Parliament of a united Empire, that was able to rise above the wretched contentings and jealousies of creeds to pass a measure of Catholic Emancipation. And even if the people of Ireland had been allowed to select for themselves their Representatives from among the Protestants, matters would not have been in quite so bad a state—for there were always Protestants, and Protestants in Ireland—but this was denied them. The lords of the soil sent the Members to the Irish House of Commons. Territorial magnates carried the boroughs and even counties in their pockets, in the shape of Irish guineas; and the profligacy of the time was so barefaced that the value of a Parliamentary borough was appraised at the time of the Union with as much coolness as a profane person would estimate in these days the value of an advowson of the cure of souls. To be sure there were what were known as open boroughs in Ireland in the 18th century, and previously. In some of these the King had a vote; and I need hardly say that the King's candidate stood a good chance of being elected. In others of the open boroughs the Member was elected by the Mayor or Provost and the twelve burgesses, but then the Mayor himself was frequently pocketed by a neighbouring great man. I have read in one of the Union pamphlets a story of the way in which the thing was usually done. An Irish gentleman of the last century wanted to get into Parliament. There was one of the open boroughs whose Provost was the creature of a neighbouring noble. The noble offered to sell the Provost to the aspirant for what he would bring in this not very open market. The bargain was struck; the money was paid; but the candidate for Parliamentary honours had some doubt about the votes of the twelve burgesses. "How," asked he, "shall I get the burgesses to go with the Provost?" The Provost happened to be a tanner, and this suggested a reply to the witty lord. "Make your mind easy, my dear fellow," said the lord, "the Provost is a

tanner, and he has a rule that the tail always goes with the hide." Is this the system we are asked to restore? Perhaps my hon. Friends may think that all this stress upon the word "restore" is hypercritical, and little more than verbal quibbling. But it is not so, for if you ask a restoration we know exactly what it is you do ask; but if it is a brand-new Parliamentary system for Ireland you want, then we do not know what that is, and we must suspend our judgment until the great outlines of the plan are laid before the country. Even if we had the new plan, we have no idea of the way it might work, for it would be a totally new experiment in the constitutional history of Ireland. Consequently, the historical argument fails, and must be put aside with that which is drawn from natural and abstract rights. These are my hon. and learned Friend's *a priori* pleas. But he has one, *a posteriori*—namely, unredressed grievances. I, too, believe that there are grievances still to be redressed; but that is not peculiar to Ireland. What are we all here for? If there were no grievances to be redressed in England, Ireland, and Scotland, the only use for us here would be to vote money to carry on the government. All Parliamentary action may be reduced to the redress of grievances and the voting of money. These Bills which we discuss from day to day are all intended to remove some obstruction to the free play of popular liberty and national well-being, and there is no man now alive whose grandchildren will see the last grievance of England redressed. New complaints will be heard to the very end of England's career as a nation. I admit that the government of Ireland was long a scandal and disgrace to England; but I maintain that the scandal was at its greatest at the time that Ireland had what is ironically called a Parliament of her own. There have been more grievances redressed since 1800 than by all the Parliaments that ever sat in College Green; and suspicious people say—I do not, for I do not believe it—that this new agitation was got up lest, if we had waited a few years longer, there would hardly have been left a grievance substantial enough to feed it. I do not think this Parliament is averse to the consideration of Irish grievances. Even when Irish grouse had their grievances

stated this Session by a noble Lord opposite (Viscount Crichton), their case was conceded, and they are now to be allowed the right of getting shot as early in the year as English grouse, and are, I suppose, to enter on their new privileges on the 12th of August next. My hon. and learned Friend must not be too hard upon the present Parliament. But let us consider how this question of grievance avails as a plea for an Irish Parliament. My hon. and learned Friend says, "There are many things which an Irish Parliament would do and you refuse to do—give us our own Legislature and we will do them for ourselves." But the obvious reply is—"We either approve of these things being done or we do not—if we approve of them we shall do them here; but if we do not approve of them, why should we send you home to do them?" It is as if a man said to his wealthy neighbour—"I beg of you to break down that bridge which spans the river between your field and mine—the communication is too easy." The wealthy man refuses, as he wants the communication kept up. "Well, then," says the other, "I am ready for a compromise—you place £10,000 to my credit in the bank, and I shall do it myself." And if he got the £10,000 he would not only pull down the bridge, but would do several other things with the surplus funds that would be very disagreeable to his neighbour on the other side of the river. No sane man would listen to such a request, and I do think my hon. and learned Friend credits the United Legislature with too much childlike simplicity when he asks it to constitute an Irish Legislature for the avowed object of doing things which it does not think ought to be done at all. I can understand the plea that there are measures which the United Parliament would be willing to see passed for Ireland, but from want of time or want of zeal, they cannot be got through. Everyone knows that a Shannon Bill or a Belfast Water Bill awakens little enthusiasm within these walls, and even the Municipal Privileges Bill of the present Session, supported by the Government, had a struggle for life. Possibly for purely local Irish Bills, not of any political nature, an Irish Commission of Parliament might be appointed, as a sort of court of first instance, or, perhaps, with Parliamentary power; but I hardly know how it would

work. If the Irish Parliament, consisting of the Imperial Representatives, is to sit at the same time as the Imperial, and if, as my hon. and learned Friend suggests, the Irish Members are to be sent for when an Imperial question crops up, I should like to know how they will like, in the midst of a great debate in Dublin on University Education, to get a message from London to appear on the scene next day when the Army Estimates will be taken as First Order of the Day. ["No, no!"] My hon. Friend near me says "No no." Well, I shall take the other alternative. Suppose the Irish Session were to convene on the 12th of August, and continue till the 1st of February, I rather think the only creatures satisfied with the arrangement would be partridges and Irish foxes, which would have an easier time of it; whilst Members of Parliament themselves would be sorely tempted to break somebody's windows in Dublin in order to get sent to the treadmill as a relief from the toils of legislation. Still, these difficulties might be got over, and something like that might be tried. But that is not the proposition before us—the proposal is to change the whole constitution of Parliamentary Government in these countries. If the present system is broken up there are only three possible substitutes for it. The first is simple separation, the second is a vassal Parliament, and the third is Federation. The first would take us back to the 11th century, the second would land Ireland in the 18th century, and the third would take her back to no century at all, but it would practically give us one new thing and one old thing in combination—it would give us a new Federation and an old vassalage. To have a Federation worth anything the contracting States must enter into it on a perfect equality—able to arrange the terms as equals. Austria and Hungary did so. But the very terms in which my hon. and learned Friend's Motion is expressed show that he regards Ireland at the present moment as in no position to negotiate for a Federal Union, because the Motion asks that power should be granted to Ireland to manage her own affairs. I confess myself rather non-plussed to know what these words are intended to convey. The only way you can give a nation power is by making it powerful, but here the meaning appears to be no

more than this—that Ireland is to have a delegated authority to do certain things in her own way. If she is only to have a delegated power, and that is what is asked, what becomes of the dreams of Irish independence? Ireland is independent now, as Yorkshire is independent; but I object to my country being sent about her business with a worthless lease of power which would turn out to be only as tenancy-at-will held under the Imperial Parliament. These are the smallest mercies that patriots ever asked for their country. No doubt we are weak in the House of Commons; but we would be much weaker out of it. If history means anything it means that. I am sorry there are not more of us here—a regret with which all sides of the House evidently sympathize—but in all fairness we can scarcely lay the blame upon England that Ireland is a small country, and that there are not more Irishmen in the world. I dare say the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) would like to see a great many more Welshmen in the House—as many as would carry one or two Welsh Judges into the Principality. The Welsh are in some respects worse off than we are, for they are judged by Englishmen, whereas our Judges, whatever else they are, are all Irishmen, and no doubt some of them can speak Irish. But notwithstanding all our weakness here numerically, the history of the past 70 years, and especially the history of the last six years, proves that justice will always in the long run have numbers on its side in the Imperial Parliament, and that the grievances of Ireland can be redressed without a vassal Parliament sitting in Dublin. The Motion recommends that when the Federal scheme is carried provision should be made at the same time for maintaining the integrity of the Empire. Now, whilst that evidently shows that my hon. Friends do not wish to demolish more than is necessary, it shows also that they are sensible of a great peril to the Empire. The advice reminds me of that given by an old gentleman to a Water Board in Ireland, to throw down an unsightly embankment, and at the same time to make provision for keeping the water in the reservoir. The Water Board took one part of the advice; they replied that they intended to make all proper provisions for keeping

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the water in the basin, but they would do that by leaving the embankment alone. I imagine that the Lords and Commons of Great Britain and Ireland will think that if they have to begin at this time of day to make provision for preserving the integrity of the British Empire, the safest way and the best plan would be to let it alone. A few words after the statement of facts submitted by the Attorney General for Ireland will suffice to point out how the material prosperity of Ireland would be prejudiced by breaking up the Union. The shock, which a great political change, like that now proposed, would give to Ireland could not but tell injuriously upon her industries and her relations with foreign countries as well as with the rest of the Empire. Despite all drawbacks we have prospered since 1800. I shall just give a few figures to illustrate this point. Faulkner, in his pamphlet of 1783, gives a list of more than 400 Irish proprietors who were absentees at that time, spending out of Ireland a rental of £1,188,980, so that it is vain to suppose that a Parliament in Dublin would be a cure for absenteeism. Let it be observed that this was the very palmiest period of the Irish Parliament. The evil would be aggravated to an enormous extent if we had a vassal Parliament constituted in Dublin. Then, as to the trade of Ireland, in 1800 there were 16,000 cattle exported from Ireland; in 1870, 415,000. In 1800, 800 sheep; in 1870, 620,000. Bacon and hams in 1800, 42,000 cwt; in 1870, 540,000 cwt. Whiskey in 1800, 2,374 gallons; in 1870, 1,893,000 gallons. If we do insist on making whiskey, I take it as an evidence of the prosperity and prudence of Ireland that so much of it goes out of the country, for it leaves the country for the country's good. Porter and ale in 1800, none; in 1870, 360,000 hogsheads. Oats and meal in 1800, 324,000 quarters; in 1870, 1,247,000 quarters. The imports of Ireland in 1800 were value for £4,500,000; in 1870, £35,000,000. The rental of Ireland in 1800 was £3,000,000, and in 1870 it was £12,000,000. Personal estate and capital in 1800 was £12,000,000; in 1874, £217,800,000. I admit that these figures are not brilliant, but they are hopeful. Ireland is still a poor country as compared with England, but I have yet to learn that it would do her any good to

dissolve the partnership with the richer country. Give Ireland back her old vassal Parliament and you may depend upon it the old trade jealousies between the countries will return, and the weaker will go to the wall. The whole Empire is open to us now—would it be so if the Union were broken up? Young Irishmen are eligible for all civil appointments, and whilst there is no brand of inferiority upon them because of their nationality, before they go into the examination rooms, there is, I am happy to say, generally no brand of inferiority upon them because of bad answering when they are in those rooms. Is Ireland willing to be driven out of the open competitions of the Empire? ["No."] If you say no, then I ask you to consider what you are doing, for if you want to be busied about matters that are exclusively Irish, you may find that you have only left to you those which are very exclusively Irish. I hope we are not going to be driven out of Calcutta, Bombay, and Madras, out of London and Liverpool, and all the fields of enterprise which are open to Irishmen without distinction of rank or creed. It will be small comfort to the pushing and enterprising people of Ireland to find themselves some morning warned off the premises in the marts of England and her dependencies, whilst her legislators have the honour and glory of holding a vestry in College Green, Dublin, with English sentinels at the door. I have no desire to make any purely party allusion in this debate, for the subject is altogether too important to be advanced in any way by party squabbles. But I must be forgiven if I allude to statements which are freely made in the Press and elsewhere, and which the Attorney General for Ireland has virtually repeated in this debate, that the policy of the last six years with regard to Ireland has been a failure. Now, there are two ways in which a policy may fail. It may fail to promote the material interests of the country, and it may fail to allay discontent. In neither of these respects has the policy of 1869 and 1870 been a failure. Every Irish Member of this House knows that, although the Land Act requires supplementary declarations to make it complete, yet it has already done immense good to the farming classes in Ireland, and to the landlords as well. The right hon. and learned

Gentleman (Dr. Ball) has spoken of it as a measure "to crush the landlords." How does he sustain this tremendous allegation? He has given no proof of it, and he has attempted none. But I shall give proofs on the other side. It was once a favourite maxim in the mouths of those who opposed the late Mr. Sharman Crawford, that "Tenant-right was Landlord-wrong." But what do we now find? The rights of the tenants have been protected to the extent of at least £25,000,000, and at the same time, the selling value of the fee-simple of property in the Landed Estates Court has been raised not less than 18 per cent since 1870. We know now that Tenant-right is Landlord-right; and, what is more, there is scarcely a county Member from Ulster on the other side of the House who did not at the last General Election proclaim with more or less distinctness his admiration of the principles of the Land Act of 1870. The House will perhaps bear with a few quotations. Here is the testimony of my hon. Friend the senior Member for Tyrone (Mr. Macartney):—

"I believe it to be quite practicable, by means of Amendments, conceived in the spirit of justice and fair play between man and man, to base those laws so firmly and intelligently on the time-honoured custom of Ulster as to extend to every agricultural holding in this wide province, free from such estate rules as limit in an arbitrary manner its value, the full benefit of Ulster Tenant-right, as heretofore understood and practised on the best-managed estates."

The hon. Gentleman the junior Member for Tyrone (Mr. Corry) says—

"With regard to this all-important subject of Tenant-right, the Act of 1870 being, as I think, generally accepted as a settlement of this long-versed question, it only remains to make it more perfect in details, especially as there seems to be some doubt as to whether it applies to leaseholders whose tenure has expired. Those rights of tenants which it upholds have proved of incalculable benefit to the North of Ireland, and I will support any reasonable Amendment of that Act which will secure Tenant-right to occupiers in the fall of leases."

The noble Lord the Member for Donegal (the Marquess of Hamilton) says—

"I beg to refer to the votes which I gave during the passing of the Land Act, every one of which was given in support of its principle."

The hon. Members for Antrim bear similar testimony. My hon. Friend the Member for Fermanagh (Mr. Archdall) is, if possible, more decided:—

"I consider the Land Act, when properly understood and carried out, the greatest boon ever granted to the tenants of Ireland."

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These are the replies which Gentlemen opposite have, by anticipation, given to the new assaults upon the Land Act which we have witnessed from the Treasury Bench this evening. These were no ephemeral words to catch the ears of electors, but the expression, I am confident, of sincere Conservative convictions. The policy of 1870, as far as it goes, is upheld by all political parties in Ireland. It has stimulated the outlay of capital, the reclamation of land, and has given a sense of security, at least in the North—I wish I could say that it had done as much for the South, but I cannot honestly say that—such as was not known for centuries in the history of Irish agriculture. But, then, it is urged, the policy of 1869 and 1870 has not allayed discontent. I join issue there—it has allayed it, but it has not abolished it. In 1868 conspiracy overspread the country, and multitudes of the Irish people were resorting to the last devices of Irish despair—secret rebellion. That was the Ireland which was handed over to the right hon. Gentleman the Member for Greenwich. All that is now changed; and, instead of conspiracy and rebellion, we find this—the Irish people are so convinced of the reasonableness of the United Parliament that they have sent about 60 Gentlemen to discuss a theory of politics in this House, without threat, without bluster, and with the most candid and manly avowals of perfect loyalty to the Queen. Home Rule is a political theory inside the provisions of the Constitution, and my hon. Friends ask you to debate it with them in the open arena of Parliament. I say that the presence of my hon. Friends in this House, with the theory they are commissioned to advocate, is a conclusive testimony of the confidence which the people of Ireland have at last learned to place in the counsels of Parliament. I trust the Government now in power will be able to carry forward the good work which has been begun. It has been begun; for I cannot say less than this—that the right hon. Gentleman the Member for Greenwich found Ireland a country only half conquered, and left it a country half conciliated. I oppose this Motion, because the peace and liberties of Ireland would be seriously endangered by its passing. I am sorry to say that the spirit of religious fervour in the North of Ireland is just as ready to rise into party rancour

as it is in the South, and perhaps more so. My hon. and learned Friend the Member for Limerick says, you cannot ignore the passions of a nation. But neither can you ignore the passions of a province, and you may rely upon it that Ulster has its passions, like the rest of the world; and what renders this fact the more significant is, that there are passions in England and Scotland, which might be touched and roused by passionate appeals from the North of Ireland. If we had an Irish Parliament, I fear the feuds between North and South; and I ask my hon. and learned Friend the Member for Limerick, what guarantee he proposes to take that England will not interfere to settle them. How do you mean to keep her out? It has been often said that "Home Rule is Rome Rule." I believe nothing of the kind, and the sagacious prelates and dignitaries who preside over the Catholic Church in Ireland believe nothing of the kind. They know how easy it would be to foment jealousies between North and South—how Protestant minorities, knowing themselves worsted and imagining themselves wronged in the encounter, would make their appeal to religious passion on the other side of the Irish Sea, and the settlement of Irish disputes would take place not by agreement but by the sword. The last condition of Catholicism, and of Ireland itself, would be worse than the first. I believe in my heart that if bad blood were not too often excited by party displays—and I certainly do not exempt the North from this reference—we should soon have a more cordial understanding between Catholic and Protestant than at any previous period. Irishmen are beginning to see that religious strife is not the fountain of national well-being, and, notwithstanding the political theory which my hon. Friends represent in this House, I am persuaded that there is a wide-spread recognition of the benefits that have accrued from the legislation of later years. Ireland had much to complain of in former times. Her misfortunes were often, but not always, the fault of England; but this I will say, that if the present movement should land her in any new misfortune, the fault will, undoubtedly, be her own. Never was there less excuse for vast constitutional changes such as are recommended in the Motion of my hon. and learned Friend; and if

we are crossing the current with something substantial in our possession, let us not be guilty of the infatuation of tossing it from us for the sake of the most deceptive shadow that ever quivered in the stream of Irish patriotism.

MR. RICHARD POWER said, it was with some amount of hesitation that he rose to address a few observations to the House upon the Motion of his hon. and learned Friend the Member for Limerick (Mr. Butt); but he would not be discharging the duty he owed to his constituents if he did not express what he believed to be their opinions upon this important subject. He asked the House not to be led away by prejudice or preconceived ideas, but to approach the question in that spirit of justice and fair play which ought to characterize all their deliberations. He could truly say, that they on their part were earnestly striving to end the quarrel of centuries in a peaceable and Constitutional manner within the walls of that House. In dealing with this question they must not forget the extraordinary position of their party. For the first time, since the Act of Union, a majority of Irish Members had been returned pledged to seek for the restoration of the Lords and Commons of Ireland under the Queen of England. When the late Mr. O'Connell sat in the House, the most he could command was 37 followers. There were now 59 Members from Ireland, and many friends from England and Scotland, pledged to a Constitutional programme, and he believed that the people of Ireland had confidence in their Representatives, for they found them to be independent Members, and no longer the followers of a party who used them when they were necessary, and then, by some marvellous absence of mind, forgot their existence when they ceased to be a utility. But for the manner in which they had been taken by surprise at the unexpected Dissolution of Parliament, not 60, but 80 Members would have been there that evening to support the Motion. It was rather late now to question the wisdom of the course adopted by the late Prime Minister; but doubtless Her Majesty's late Government were following a notable precedent in Irish history when, in the time of St. Patrick, the serpents committed suicide to save themselves from slaughter. He should not question that

policy, which, although it might have been dictated by the wisdom of the serpent, had given fixity of tenure to their rivals, and had caused the transit of their own celestial bodies to a lower sphere, where, like "stars, they are brightly shining, because they have nothing else to do." Hon. Members opposite might have reason to know possession was nine points of the law. The majority of the late Members were not pledged to Home Rule, and they had in an almost inconceivably short space of time to dislodge some, and to convert others. Therefore, they lost considerably by the strategic movements of the late Prime Minister. Yet, in the face of all these difficulties the Irish succeeded in returning a majority pledged to a Home Rule programme. He regretted to state that from the first day of the Session down to the present moment many hon. Members had spared no opportunity of dragging this question of Home Rule into almost every debate in which Irish Members took part. He should not now revert to the language of the hon. Member for Donegal, being disinclined to disturb his utterances from that well-merited repose into which they had already sunk. But he could not conceal from the House the surprise he experienced when he heard a right hon. Gentleman state with an amount of ardour and anxiety that he really did not believe him capable of, that it was contrary to the principles of Home Rule to vote for the preservation of ancient monuments. The Home Rule party had been looked upon as agitators, and they would be told that they were disturbing the peace of the country; but they must all have experience enough to know that politics was a profession that had before now been tainted with the foulest breath of suspicion and calumny, and he was happy to say that while they had agreed as to their objects their opponents certainly formed no definite opinion about them. Sometimes they were called Republicans, and the next moment the servile followers of priests striving to establish Catholic ascendancy. Now, as regarded the first charge, it was a curious fact that during the late elections there appeared but one Republican address. The author of those sentiments only polled 500 votes out of a constituency numbering nearly 4,000, and was consequently at the bottom of the poll. As

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regarded Catholic ascendancy, there were no people in the world who would oppose it more strongly than the Catholic people of Ireland themselves. It was a thing of the past, and did not now exist in any country in Europe. It was the ghost of the "No Popery" cry conjured up by the enemies of Ireland to frighten the people of England from following their natural instincts of justice and fair play. Catholic ascendancy was a myth. The Irish priesthood did not want it, and the Irish people would not submit to it. They had already given proof of their liberality, and he asked the noble Lord the Member for the county of Waterford if he saw anything like a wish for ascendancy during his canvass, the result of which placed him, the representative of one of the staunchest Protestant families, in a majority over the representative of one of the oldest Catholic families. But he should not detain the House in bringing forward further proofs. Any desire for Catholic ascendancy did not exist in reality; it was a mere chimera. But, then, it would be said—"Why all this agitation about Home Rule; you are getting on very well, leave well alone." Now, he maintained they were not getting on very well, but they were getting off very quickly. By a Return lately issued they found that in the first 10 months of 1873, 85,287 persons emigrated from Ireland, being 13,677 more people than in the first 10 months of 1872. Ah, but it might be said, "Emigration benefits a country, because those who remain behind gain considerably by those who have left." As regarded Ireland, this argument could not hold good, for pauperism was on the increase. In 1871, the population of Ireland was 5,402,759, and the number of paupers in the same year was 282,492. In 1872, the population sank to 5,368,166, and the number of paupers rose to 296,256, so that with a decreasing population they had an increasing pauperism. Under the present gorgeous system of government only three sections of the people thrive—the publicans, the pawnbrokers, and the lunatics. Under this so-called Union, as under the withering shade of a upas tree, their manufactures had died out, their agriculture was languishing, their people were hastening away to foreign lands, and their gentry fled the country like rats from a sinking ship. As re-

garded manufactures, that source of wealth had made England what she was. There was a time when Ireland had her manufactures. When under the fostering care of a native Parliament, they rose to such a state of perfection as to win the jealousy of this country. Henry VIII. became furiously indignant when he learned that the Irish had the independence to wear linen, and laws were enacted to restrain its use. So far back as 1699 the liberty of exporting woollens was taken away. Yet, in the face of all their difficulties Irish manufacturers existed and flourished so long as they had their Parliament. It appeared by the Return made by the Inspectors of yarn, in 1802, that there were over 20,000 looms engaged in manufacturing cotton, producing 200,000 yards of cloth every week, and employing and supporting 600,000 individuals. That was two years after the Union; 70 years after the Union there were only 14 cotton factories, employing only 4,157 persons. Therefore, it was evident that from some cause or other their manufactures had declined since the Union. With respect to the question of absenteeism, it would be said that it had an early origin in their country, and existed before the year 1800, but it had been greatly increased by the Union. The following extract from the Report of the Select Committee on Dublin Local Taxation, in 1825, corroborated that opinion:—

"Prior to the Union, 98 Peers and a proportionate number of wealthy Commoners inhabited the City. The number of resident Peers at present does not exceed 12. The effect of the Union has been to withdraw from Dublin many of those who were likely to contribute most effectually to its opulence and importance. A house which, in 1797, paid £6 4s. is now subject to £30, whilst the value of property has been reduced 20 per cent. The number of inhabited houses has diminished from 15,104 to 14,949. The number of insolvent houses augmented from the year 1816 to 1822 from 880 to 4,719. In 1799, there were only 7 bankrupts in Dublin; in 1810, there were 152."

One of the most extraordinary things was the enormous increase of the expenses attending the administration of the criminal jurisdiction of the City of Dublin since the Union. In 1807 it was £4,198 9s. 10d.; in 1820 it was £21,508 2s. 7d.; and the Select Committee to which already reference had been made by him, attributed that extra expense to the increase of crime throughout Ireland. These were but a few of

the effects of a Union that was based upon neither moral nor political virtue, that was carried by corrupt means, and without that admirable modern resource—an appeal to the country. He would not conceal from the House that the Irish Parliament had its faults as well as its virtues. There might have been moments in its existence when it forgot the dignity that belonged to it, but he had yet to learn that a more offensive epithet than "Trickster" ever polluted the atmosphere of that Assembly. A spirit of loyalty was never absent. Those most devoted to independence were the strongest supporters of the connection. One of the first Acts passed by the Irish Parliament in 1782, when it gained its independence, was a vote for the supply of 20,000 sailors for the British Navy. How strangely did that vote contrast with almost the first Act of this Parliament in 1800—the renewal of the Irish Martial Law Bill. And since the Union they had had little else than a succession of Coercion and Peace Preservation Acts, and yet they found the people of Ireland loyal. They had been loyal even to a fault. They must remember that loyalty without royalty was loyalty under difficulties. Ireland knew nothing of Royalty, and he feared Royalty knew as little of Ireland. Two visits in the lifetime of a British Sovereign were deemed sufficient for the Irish people. Perhaps Her Majesty's Advisers thought that distance lent enchantment to the view. If such were the case the people of Ireland ought to be perfectly enchanted. But he could not deny that a great amount of discontent existed in Ireland, and discontent was the seed of disloyalty. This state of things arose principally from the belief that the condition of Ireland was attributable to British legislation. The misfortunes that had afflicted their country, the backward state of Ireland, in a political and social sense, were laid at the door of the British Parliament. That Parliament might be sometimes wrongly accused, but rightly or wrongly, the people of Ireland believed that most of their ills were owing to English legislation; but it was the duty of a wise statesman to remove that impression, and the only way it could be done was by allowing them to manage their own affairs; and if, as the House anticipated, they would be no better off than at present—if they still had the same complaints—they

could not blame the British Government; all the fault must lie at the door of an Irish Parliament. If their wasteland were unreclaimed—if their gentry were absentees—if the people were carrying their industry and capital to foreign lands—the Irish Parliament would be alone responsible. If Coercion Acts were the rules of Government—if the Constitution were suspended and the Press threatened—they could then blame no one but themselves, and by that means the chief cause of the present discontent and disaffection towards England would be removed. But if the hopes of the people of Ireland were realized—if wealth and prosperity should follow self-government—then England would be the gainer, for she must partake of her wealth and prosperity. A rich and contented country was a source of wealth and stability to the Empire, while an impoverished and dissatisfied people must be a cause of weakness and of danger. Hon. Members opposite might talk of the stability and integrity of this Empire, but he contended that the stability of a great Empire depended not so much upon its armies and its navies as upon the affection and the loyalty of a united people. They had heard that Home Rule was a delusion. If so, it was necessary for the peace and welfare of the State that they should prove to the people of Ireland that it was a delusion. If they really believed so, there was only one way of proving it, that was, to give it to them. Then they would be told that they were for separation, whereas they only sought for union that would be honourable and profitable to both countries. It was others who would cause separation by forcing a hateful union on an unwilling people. Their object was not to dismember the Empire, but to establish it on a more durable basis than existed at present—on the loyalty and affections of the Irish people. They asked not for an Irish Republic or annexation to any other country, but they asked to be a flourishing country under one Sovereign with England and Scotland—they asked for union where now existed disunion. They must either grant self-government or govern Ireland as a conquered land. They had no choice between Home Rule and Coercion. He claimed to be no prophet of evil to this great country; for he trusted that the man was not yet born who would write the “Decline and Fall of the British

Empire;” but he contended that this present so-called Union was fraught with danger to the best interests of the State. To call the present connection between the two countries a Union, was a misnomer. Of course they could maintain it by the sword, but was such a Union lasting? No. A Union to be lasting must be founded on the self-interest and friendship of both countries. Any other Union was truly a delusion. Let them base their Union on self-interest, for it was the great motive power of nations as well as of individuals, and would last as long as man lasted. They sought to establish a Union of self-interest and affection, if he might be allowed to call it, a Siamese Union, in which England and Ireland should have but one life, and be united by a tie, the severance of which should be death to both. In conclusion, he would say that he was not a wise statesman who disregarded national affinities. They had traditions, memories, and prejudices of their own, they looked forward to the restoration of their Parliament, and they hoped that the wise advice given by Mr. Fox, in 1797, might soon be followed—

“I would have the whole Irish government regulated by Irish notions and Irish prejudices; and I firmly believe, according to another Irish expression, the more she is under the Irish government the more she will be bound to English interests.”—[*Parl. History*, xxxiii. 154.]

MR. RITCHIE said, he must compliment the hon. and learned Member for Limerick (Mr. Butt) on the very moderate tone he had adopted in introducing this question, and he hoped, as the Government had seen fit to give a night for this discussion, the rumblings of distant thunder in the air would cease, and the result would be to clear the atmosphere of the House. When the question had been properly discussed, and the division taken, he trusted that Irish Members would be satisfied, and would not again introduce the subject during the present Parliament. The burden of proof lay on the Irish Members to show not merely that the evils they described existed, but that they were entailed on Ireland by her connection with England. Ireland, for many years, had unfortunately been a scene of lawlessness and disorder. Certainly, fighting and disorder had been more the rule than the exception. He would read a passage on that subject from Froude—

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"To the Englishman the perpetual disturbance appeared a dishonour and a disgrace; to the Celt it was the normal and natural employment of human beings, in the pursuit of which lay the only glory and the only manly pleasure."

The Commissioners sent over to Ireland by James I. reported that—

"The appearance of the Irish showed them to be the fruit not of a good tree; they exercised no virtue and refrained from no vice; every man thought he had a right to do what he listed; on the Sabbath they rested from all honest exercise, and on the week-day they were never idle, but worse occupied; when murder was committed they never ceased killing all they could; thus they lived and thus they died; and there was no one to teach them better."

Of course, there was considerable improvement since that time. ["No, no!"] He would not, however, dwell on the state of Ireland at that remote period, but would rather pass to the period of Ireland's boasted independence. In 1782, Ireland received what was then considered the great gift of a free Parliament, and it had been claimed for her that during that period, she made gigantic strides in material prosperity. He would not touch on that question at present, but would like to inquire into the social condition of Ireland while it was governed by its free Parliament; and on looking over the pages of her history, he found that between 1782 and 1800, the peasantry were ground down and oppressed; the landlords raised the rents to fabulous amounts, as much as £5 and £6 per acre of potato land. Associations for setting the law at defiance overspread the land; there were White Boys, Peep-o'-day Boys, Levellers, and tar-and-feathering committees. ["Oh, oh!"] This was no matter of theory—it was history; and at last it culminated in the Revolution of 1798. During that period, inoffensive men were dragged from their beds, wives and children were driven out of doors, and the Southern provinces were flooded with armed incendiaries. Many who joined these associations were ignorant and uneducated; many thought they were advancing the cause of Roman Catholicism, and they had some dim notion that by this Revolution they would get rid of tithes and high rents. The concluding years of that century showed a disgraceful state of things—the Government was totally unable to keep order, and the consequence was, Union was

demanding by the voice of the country. Grattan, who had been quoted, said of the free Parliament, that it produced nothing but a Police Bill, a Press Bill, and a Riot Act; a great increase of pensions, 14 new places for Members of Parliament, and a corrupt sale of Peerages; and he asked—"Where will all this end?" The hon. and learned Member for Limerick had quoted a passage from a speech of Lord Clare's, speaking of the material prosperity of Ireland between 1782 and 1800; but he also wished to quote a passage from a speech of Lord Clare's—

"If we are to pursue the beaten course of faction and folly, I have no scruple to say it were better for Great Britain that Ireland should sink into the sea than continue attached to the British Crown on the terms of our present connection. Our difficulties arise from an Irish war, a war of faction, a Whig war, a United Irishman's war. It has been demanded, how are we to be relieved by a Union? I answer—We are to be relieved from British and Irish faction, which is the source of all our calamities. When I look at the squalid misery of the mass of the Irish people, I am sickened with the rant of Irish dignity and independence. I hope I feel as becomes a true Irishman for the dignity and independence of my country. I would therefore elevate her to her proper station in the rank of civilized nations. I would advance her from the degraded post of a mercenary province to the proud station of an integral and governing member of the greatest empire in the world."

The hon. and learned Member had also quoted from a speech of Mr. Foster's, the Speaker of the Irish House of Commons, to show how much opposed he was to the Union. It was true he was much opposed to the Union at the time it took place; but did the hon. and learned Member know that this same Mr. Foster afterwards became a Member of the Imperial House of Commons, and that in that House, in 1805, on the question of Catholic Emancipation, he said—

"Should some score Catholics, by the vote of that night, find their way into the Imperial Parliament, and afterwards feel their inferiority in an assembly of 658 Members, they would rapidly augment their strength by new political recruits, and endeavour, by a repeal of the Union, to re-establish the Irish Parliament. He felt the full force of the consequences to be apprehended from such a measure, and he trembled for the separation of his native country from that connection with England, deprived of which, he was convinced she could be neither prosperous nor happy."

As it had been said that Ireland had not progressed since the Union, he would

quote a few figures bearing on that point; and first, some shipping statistics of the tonnage belonging to, and registered at the Irish ports. Before the Union, the number of tons were:—In 1792, 69,567; in 1793, 67,790; in 1794, 63,162; in 1795, 58,778; in 1796, 56,575; in 1797, 53,181; and in the triennial period of 1797-8-9, 112,333 tons. Since the Union, the numbers were, for triennial periods, as follows:—1824-5-6, 225,866 tons; 1833-4-5, 337,772 tons; 1840-1-2, 569,294 tons; 1843-4-5, 631,981 tons; 1846-7-8, 781,943 tons; 1849-50-51, 791,525 tons. The increase in 1849-50-51 over 1797-8-9 was 679,192 tons. From official Returns it appeared that the annual average imports of Ireland amounted in value for the three years ending 1790, to £3,535,588; and for the three years ending 1800, to £4,299,493. For the three years ending 1810, they amounted to £6,535,068; for the three years ending 1820, to £6,008,273; and for the three years ending 1826, to £7,491,890. The exports for triennial periods ending with the same periods were—1790, £4,125,333; 1800, £4,015,976; 1810, £5,270,471; 1820, £6,921,275; 1826, £8,454,918. These figures showed that between 1790 and 1826 the imports and exports of Ireland doubled. After 1825, no statistics were available, but it was estimated that the imports and exports in 1835 amounted to £32,000,000—say £15,337,077 of imports, and £17,394,813 of exports; and in 1848, the two amounted to £40,000,000. The annual average number and tonnage of vessels entered inwards for triennial periods were as follow:—England, in 1790, 7,243 vessels, 622,013 tons; 1800, 7,209 vessels, 642,477 tons; 1810, 8,397 vessels, 764,658 tons; 1820, 10,955 vessels, 961,884 tons; 1830, 13,337 vessels, 1,325,079 tons, and the tonnage for recent years had been as follow:—1868, 4,525,776 tons; 1869, 4,787,624 tons; 1870, 4,910,408 tons; 1871, 4,985,957 tons; 1872, 5,256,745 tons. It had been said that the cotton trade of Ireland had fallen off; but how about the linen trade? That had been increased immensely. The number of yards exported had been as follow:—19,556,379 in 1780; 35,676,908 in 1800; 37,166,399 in 1809; 33,945,615 in 1813; 56,230,575 in 1817; 49,531,139 in 1821; 55,114,515 in 1825; 70,000,000 in 1845;

Mr. Ritchie

and 106,000,000 in 1857. O'Connell, in his *Argument for Ireland*, stated that before the Union the increase was 22,114,593 yards in 18 years, and he contrasted that with the much smaller increase from 1800 to 1825 of 5,917,700 yards in 25 years. The above figures shewed some exceptional causes at work preventing an increase, and really causing a decrease between 1817 to 1825; but, taking the increase from 1800 to 1857, it showed an increase fully equal to the extreme period taken by O'Connell. An indication of the progress of Ireland was furnished by the figures which showed how much whiskey she had drunk. In 1790 she drank 3,700,000 gallons, and last year 6,294,000 gallons. In 1857, the amount of annual value assessed to the income tax under Schedule D on trades, &c., in Ireland, was £4,577,874; and in 1871 it was £7,623,548. In 1864, £121,044 was received from the depositors in Post Office savings banks in Ireland; and in 1872, £373,887; and the capital of these banks was £181,484 in 1864, and £825,740 in 1872. These figures showed conclusively that Ireland was progressing. But if there was anything which kept Ireland back, it was the constant agitation of this question. They had heard that Irish Home Rule Members were unanimous in their assent to the moderate programme now placed before the House, and that there was no question of Repeal involved; and in proof of that, the hon. and learned Member for Limerick had referred to the proceedings at the Home Rule Conference. But on referring to those proceedings, he found a Gentleman who bore the name of the hon. Member for Westmeath (Mr. P. J. Smyth), said—"He was a simple Repealer, and Repeal was the only logical ground on which the nation could stand;" a Gentleman who bore the same name as the hon. Member for Meath (Mr. J. Martin), said he was "a Repealer, and while consenting to the resolution he still held his own opinion;" and a Gentleman who bore the name of the hon. Member for Kilkenny (Sir John Gray), said he was "a Repealer 40 years ago, was a Repealer that day, and would be a Repealer until Repeal was carried." The fact was, this question simply meant Repeal of the Union, by whatever name hon. Gentlemen pleased to call it, and there could

be little doubt that although hon. Members who professed Repeal had for the present subscribed to the more moderate proposition, they would, if it were carried, at once begin anew to agitate for total separation, backed, as they would probably be, by the support of an Irish Parliament. Hon. Members from Ireland asked why they should feel gratitude to England for mere justice. But should Irishmen feel no gratitude for what England had done for their country in time of need? Had Ireland no gratitude for what England had done in time of the famine? He would not refer to the disestablishment of the Irish Church, although it fully and clearly showed how strong was the desire of England to remedy Irish grievances when she was made acquainted with them. And yet it was no small thing that she should haul down the flag of the Reformation, which had flown in Ireland for so long a time, and sink all her cherished convictions. It was said that Ireland was not prosperous, but that Scotland was. Was not Scotland legislated for by the Imperial Parliament in the same way that Ireland was? Therefore, if Scotland was prosperous, and Ireland was not, the cause must be looked for elsewhere. The hon. and learned Member for Limerick had told the House that Ireland wanted a domestic Ministry, and a voice in the Imperial Parliament. But if Ireland were to have a Parliament for domestic measures, England and Scotland would have to get Parliaments for the same purpose. And how would the thing work? The Prime Minister might have a large majority while the Irish Members were away; but when they walked into the House they might overwhelm him, and the consequence would be, he would have to walk over to the other side. A fearful dilemma would be the result, for Members would not know who was Prime Minister, the right hon. Member for Buckinghamshire or the right hon. Member for Greenwich. The whole scheme was unworkable. While ready to remove every Irish grievance, they were above all determined to hand down unbroken that trust of an United Kingdom which had been handed down to them.

COLONEL WHITE said, he was thankful that the Speaker had selected him to address the House upon this great ques-

tion, particularly after the vague misrepresentations, misconceptions, misapprehensions, and accusations which had been expressed against those who entertained what was called the novel idea of Home Rule. He had lately been made painfully aware that the so-called freedom of opinion of Members of Parliament—that much vaunted privilege—in some cases might be practically a myth, and that however single minded, upright, and loyal a man might be, he must consent to choose whether he would be guided alone by the opinion of the social, or it might be the military world, in which he might happen to be, or rest satisfied with the consciousness that, according to his lights, he had endeavoured to do his duty, not only to his country, but the nation at large. He was well aware that there existed a feeling which was most unjust, a feeling which had been most improperly encouraged by the public Press of England, and notably by *The Times* newspaper, that all those who were connected with the Home Rule movement must be, in some degree, discontented and disaffected. Now, in the name of his constituents and of his hon. Friends, he most indignantly repudiated that monstrous allegation, for every man who supported him during the late Election voted for the cause of law, loyalty, and order. He, moreover, claimed to repudiate it a thousand times more indignantly in his own name, because he felt conscious that, as regarded himself, it was the incarnation of injustice. He had been asked how it was that he, holding, as he did, Her Majesty's commission both as an officer in the Army and in the representation as Lord Lieutenant of the county of Clare, could support the principle of self-legislation for Ireland; and his answer simply and plainly was, because he firmly believed that this proposal, wisely, judiciously, and carefully carried out, would ultimately be for the benefit of Her Majesty's Empire. That Motion was a loyal and constitutional request loyally and constitutionally preferred, and it was a calumny to say that the separation or disintegration of the Empire was ever suggested or intended, either by its promoters or supporters. It was a proposition put forth by three-fourths of the Irish nation, and he held that it was not for the public weal that, being so put forward, it should

be ignored or scouted. Ireland was now in a stagnating, if not a deteriorating state; and he believed that some such galvanic stimulus as that was necessary to rouse its energies into fresh life. As a landed proprietor and a magistrate, he considered himself responsible for the good behaviour of those amongst whom his lot was cast. Home Rule was a "bugbear" to many hon. Members, whose vivid imaginations had invested it with all the attributes of some hideous phantom. It was well known that the business of Parliament was almost at a stand-still, and that was shown by what was called the "massacre of the innocents" at the end of every Session. If evidence on this point were necessary, he would refer to the Address of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) on the Dissolution of Parliament in January last. That right hon. Gentleman, when speaking of the duties of Parliament, said that they reached a point which seemed to defy all efforts to overtake them, and he also said—

"I think we ought not only to admit, but to welcome every improvement in the organization of local and subordinate authority, which, under the unquestioned control of Parliament, would tend to lighten its labours and to expedite the Public Business."

That was what was said by all the best of the Irish people. He would next turn to Dublin, and ask whether she was not, at that moment, in a stagnant and unimproving state, and in the position of a fourth-rate town. Now, would not a Parliament within her precincts raise her into importance, and make her the great city of the nation? That proposition was incontrovertible and unanswerable. They were told that the proposition before the House was a covert attempt at separation; but if separation was intended by the supporters of Home Rule, he would rather cut off his hand than support it. No; disintegration or separation had never been intended. They were all opposed to it. Who were its supporters? Why, men of great wealth and recognized position and character and integrity; and, amongst them, were landed proprietors and mercantile men, whose word was as good as their bond; and hundreds of magistrates holding commissions of the peace, and Deputy Lieutenants of counties. Would anyone tell him that those men had no

Colonel White

stake in the country and nothing to lose? A more absurd idea could not be entertained. It was not for him to say how such a Parliament as that they were discussing was to be constituted; but he would say that the more generously they considered it, and the broader the basis on which they framed it, the more Conservative and the more loyal it would be. He might, he might add, be told that many Irish Representatives went further than he did, but he was responsible only for his own opinions; and he felt quite satisfied that if the Home Rule movement were to be as unbendingly opposed, as he was sorry to say it had been by the Attorney General for Ireland that evening, it would be regarded in Ireland as amounting to a declaration that the system under which she was now governed was perfect; and what was that system? Take the case of the Lord Lieutenant alone. He was said to be the representative of the Sovereign—and so he was theoretically—but practically he was the representative of that political party to which he might happen to belong. To show the justice of that view, he might mention that Lord Spencer, a nobleman who combined, in a remarkable degree, zeal, energy, ability, courtesy, charming manners, and great personal popularity, while he was received by the mass of the Irish people with cordiality as the representative of the Sovereign, met with quite a different reception from the Conservative Peer and gentry, who abstained from attending his levées during the first two years of his administration, probably because they looked upon him, not so much as the representative of the Sovereign, as of that party which they considered were then engaged in an act of sacrilege, in disestablishing the Irish Church, and in confiscation, in handing over the property of the landlord and tenant. Again, there was the Irish Peerage, that anomalous body whose members one day wrote letters to *The Times*, and the next laid their position before the House of Lords. They were a body of educated gentlemen "who were neither fish, flesh, nor fowl"—an excrescence on the body politic—absolutely debarred from taking any part in the councils of the nation, and utterly ostracised by their absurd position from the commonest rights of citizenship; and if he were an Irish Peer, he should, from that very fact

alone, be a Home Ruler. They had been told again and again that Ireland was in a state of prosperity; but no country could be so described that was being depopulated as Ireland was at the present time. In 1872 the total number of emigrants from Ireland was 78,102, and in 1873 it was 90,149, showing an increase of 12,047 in one year. If this was prosperity, it was of a very negative kind, with which, before long, the Legislature would have to deal. He asked the House not to disregard the petition of such a large proportion of the Irish people, who were not ignorant that they were incorporated with the noblest Empire that the world had seen. They merely asked for such a change in their system of government as should tend to increase their self-respect and develop their energies, talents, and resources. A policy of coercion had been tried for upwards of 300 years; but if such an alteration were now made as would make the Government of the country an absolute reality instead of an unmeaning sham, he had no doubt the result would be to unite it to England in bonds of sympathy hitherto unknown.

SIR CHARLES LEGARD expressed his great satisfaction at finding that the long-threatened subject of Home Rule had at length been fairly brought before the House; but the hon. and learned Member for Limerick (Mr. Butt) must excuse him if he said that the change which he advocated was very like that which a few years ago had been proposed under the name of Repeal. Remembering the language which some hon. Members had recently addressed to their constituents, he was astonished to find they had been suddenly converted, and that they would now be perfectly satisfied with Home Rule, instead of what they had loudly demanded but a little while ago. What did Home Rule—this new panacea for Irish wrongs—really mean? They had been told it meant local self-government. Did it mean self-government in matters purely local, as Englishmen understood the words, or was it a disingenuous phrase, the true and honest interpretation of which was Repeal in disguise? It was customary for counsel, when bringing a charge of bribery and corruption in an election case, to investigate the previous character of the constituency; and similarly in this matter he had run through

the beadroll of the magnates of Repeal who now sat in that House, had read their speeches on various occasions within the last 12 months, and when he remembered the language made use of on those occasions, and now found the same hon. Members ready to be sponsors to the Motion of the hon. and learned Member for Limerick, he felt the strongest apprehension that they wanted more than they dared to ask. If they succeeded in getting Home Rule to-morrow, they would demand Repeal the day after. If it was not so, he hoped the hon. Members to whom he referred would get up and say that now in 1874 they utterly, and without mental reservation, repudiated their utterances of 1873. But who could doubt that Repeal, and nothing short of Repeal, was the object really in view? The hon. Member for Meath (Mr. J. Martin) boldly avowed last October that that was what he wanted. The hon. Member for Cork (Mr. Ronayne) supported, with his usual eloquence, at a public meeting in that City, a resolution declaring that it being the divine right of nations to govern themselves, and experience having shown that, as ruled by the English Governing Body, the affairs of Ireland were sadly mismanaged, the Irish people being driven from the soil and their fertile country transformed into a worthless waste, therefore the people of Cork pledged themselves to countenance every movement in the cause of Home Government in Ireland. This justified him in saying that more was wanted than was at present asked for; and that if what were now asked for were granted it would be followed by further demands. He would oppose all such demands, believing that they tended to weaken the commercial and social ties which happily subsisted between the sister Islands. He would commend to the earnest consideration of the hon. and learned Member for Limerick and his Colleagues the language of one of the greatest, and, at the same time, one of the most liberal-minded statesmen that ever adorned the British Senate—Edmund Burke, a countryman of their own—

“My poor opinion is that the closest connection between Great Britain and Ireland is essential to the well-being, I had almost said, to the very being, of the two kingdoms. I think, indeed, that Great Britain would be ruined by the separation of Ireland; by such a separation Ireland would be the most completely undone country

in the world, the most wretched, the most distracted, and, in the end, the most desolate part of the habitable globe."

CHEVALIER O'CLERY said: The speeches delivered in opposition to the Motion for self-government for Ireland appear to be based on the assumption that our country has advanced in material prosperity because of the Legislative Union with England in 1800. To the Irish people this assumption must appear as astounding as it is false. It is unnecessary in disproving it to recapitulate the history of the acts and intrigues which led up to that unfortunate period when the autonomy of Ireland was sacrificed to Imperialism. Of the historical iniquity which culminated in the passing of the Union, I will only say that the results to us are as calamitous as the means employed by you to accomplish it were unworthy and unjust. The true measure of the prosperity of a country must be taken by the standard of an ever-increasing population, ever capable of self-sustainment on the soil. England has thus increased in true wealth by her population, disproportionate though it be to the area of her soil, but sustained by the extremest development under the fostering care of a native Government. Now, what of Ireland? What of a people not less gifted than Englishmen in everything that makes Englishmen great? We have the answer in a population as low as that at the dawn of this century; in manufactures destroyed; in agriculture just allowed to exist by the unwilling concession of a land law of a few years' standing which may, or may not, at the close of this century, root an equal population on the soil. Let us look at the details of the picture, and endeavour to account for this stationary population—this decline in real prosperity—while every country in Europe is advancing in strength and power. The reason beyond question is to be found in the Act of Union which destroyed self-government in Ireland, and made the liberties and the welfare of her people absolutely dependent on the caprices and prejudices of another country. During the 74 years of the connection, the Irish people have never ceased to attribute the decay of their national resources to the absence of self-government. In 1810 many of the grand juries in Ireland, but especially those of Dublin city and county, urged on Grattan the necessity

of endeavouring to repeal the Union, as the only means of arresting the general decay in trade and manufactures that had set in since 1800. From that time we find Select Committees and Royal Commissions without number appointed by Parliament to inquire into the condition of the Irish people. Those Commissions reported on the necessity for the reclamation of waste lands, on drainage of rivers, on the development of the fisheries, and other schemes. But their Reports were not attended to. There were always found in London insuperable objections to measures for the welfare of our people. This neglect of the interests of Ireland was, however, aggravated after the abolition of the 40s. franchise in 1829, when the people, deprived in a great measure of their rights of suffrage, lost their political value in the eyes of the two great English parties. When the famine came, the people were regarded merely as an incumbrance to be flung off as weeds from the soil. And here, we must consider. Ireland suffered a loss so overwhelmingly calamitous in its results, that all other evils attendant on the loss of her Parliament sink into insignificance before it. Despite the incontestable fact that corn and provisions were exported from Ireland to a large extent during the so-called famine year, yet during that very time more than 1,000,000 of the people perished on the soil, and I fearlessly assert this awful calamity could have been averted had the country possessed its own Government. Would not the first aim of a native Parliament be to save the people by prohibiting the export of provisions from the country, and by taking prompt measures to give employment to the masses? The Report of the Devon Commission pointed to such action, but its Report was disregarded in deference to the requirements of "political economy" and the necessity of getting rid of the so-called "surplus population" of Ireland! No wonder that in the wake of the famine should follow the exodus which is to this hour draining the life blood of the country! The history of that terrible crisis alone condemns without appeal the government of Ireland by the British Parliament. What we desire instead is our national Parliament in Dublin having the management of Irish affairs. Without this the country will not be content.

Sir Charles Legard

And this demand is not unreasonable, seeing that other countries in Europe have set us the example. Norway and Sweden have possessed their separate Legislatures under the one Crown since 1814, and their experience of 60 years only strengthens the desire to maintain the connection which has proved of such advantage to both countries. On the other hand, the forced union by Lord Castlereagh of Belgium and Holland, in 1815, in which Belgium was denied her Parliament and the power of making her own laws, resulted in the war of 1830 which established Belgian independence. And to this the English Government readily assented in the interest of Belgium. But in the relations which have subsisted between Austria and Hungary may be found the example which affords the truest adjustment of the difficulty between England and Ireland. For generations Austria attempted to crush out the national feeling of Hungary, until the constitution of the Kingdom was declared abolished, and Austria by brute force strove to rule the country from Vienna. The Hungarians declared war for the maintenance of their institutions. After a long and desperate struggle, the Emperor of Austria was obliged to ask for help from Russia; and on the field of Raab, the flag of Hungary went down before a combined Russian and Austrian force. Hungary was now crushed and bleeding at the feet of Austria, who pursued a system of Imperial rule which made Europe believe that Hungarian nationality, as a vital force, was no more. But the national party never despaired, and their country abandoning a war policy, they strove by constitutional agitation of the most moderate, conciliatory, and yet persistent character to prepare for the opportunity that must ever come to a people worthy of their freedom. It came sooner than they expected. The crash of Sadowa was heard throughout Europe. Austria, reeling under the shock, looked around vainly for help! In that moment, while ruin awaited her—and before the smoke had cleared from the battle-field, and the thunder of the enemy's guns had died away—a message of peace went forth from Vienna, and Hungary was once more a nation. In that hour, Austria was saved. The Hungarians, who as subjects of Austria were at once the weakness and the danger of the Empire, are now its bravest

defenders. Surely this is a lesson from which to draw much profit. Its careful study should be entered upon with the knowledge of the fact that in a time of profound peace England deems it needful to maintain at immense expense a garrison of 40,000 bayonets in Ireland. Is this the only result of three-quarters of a century of union with a nation which claims to possess the freest constitution in the world? And yet we are taunted with the revolutionary character of our demand for self-government, when you have readily granted the same rights to the Colonies, and in so doing have added immensely to the strength of the Empire. It is only when the question of Home Rule for Ireland is put forward that fears are expressed for the integrity of the Empire. At the time England was at war with the United Colonies of America, persons entertaining similar fears prevented the simple demand for Home Rule made at the outset by the Americans being granted; and when at length they agreed to grant the concession in 1778, it was too late. The United Colonies had become the United States, and were lost for ever to the British Empire. In our demand there is no revolutionary design. Ireland is the most Conservative nation in Europe—she is Conservative of all that is great and glorious in her history; she is Conservative of her religion, in the face of centuries of persecution; she is Conservative of her nationality under every trial. Ireland was Conservative of her loyalty to the Sovereign, when England trampled upon the Throne. And when subsequently Englishmen paused not to sacrifice the life of the Monarch, Irishmen resisted to the last the act of regicide. Ireland seeks by the restoration of her Parliament to raise a barrier against the revolutionary passions, which threaten the disruption of society by the establishment of a British Republic based on Atheism. Our experience of a former Republic is thrown into strong relief by the flames which shed their lurid light on the havoc and carnage of our defenceless people in the squares of Drogheda and Wexford. Remembering the past, we can have no sympathy with the admirers of that model Republican, Cromwell. And in the same way we repudiate and spurn the revolutionary propaganda of the Continent, which

would seem to find such favour in England. But it has been urged that the House of Commons would not be in a position to judge of the character of the men who would form the Irish Parliament. A similar argument was used against the great Reform movement of 1832, and time has proved how groundless were the fears then expressed. Ireland may be trusted only to send men to the national capital, who are worthy of the country and its history. Of the advantages to England by this act of justice to Ireland, not the least would be found in the conciliation of the Irish people in America. The Irish race forming so great and powerful an element in each country, would render war between England and America an impossibility, and so prevent the repetition of the humiliation involved in another Geneva Award. In like manner the traditional friendship between France and Ireland would serve as a link between France and England. With France, England, and America thus united by the friendship of Ireland, all fear of a German or Russian invasion would cease to be considered a possibility by Englishmen. In the near future, with all its dangerous complications, England cannot afford to disregard the friendship and support that Ireland, self governed and contented, could offer her. The first Minister of the Crown, in one of his recent speeches, declared that England is an ancient nation, whose people are greatly influenced by the traditions, and proud of the achievements, of their forefathers in the olden time. And it is no matter of surprise to Englishmen that he should speak of this nation in such terms. For looking back upon the warring conflicts and fierce struggles recorded in English history, they think only with pride of the men who figured in those struggles. They praise equally the Yorkist with the Lancastrian, and while admiring the magnificent courage and chivalrous devotion of the Cavaliers, they do not ignore the iron will and stern purpose of their Parliamentarian antagonists. And so on to later times. But I would remind the Prime Minister that my country is also an ancient nation, and that the Irish people are greatly influenced by the traditions, and intensely proud of the achievements of their fore-

Chevalier O'Clery

fathers. And here I speak especially of the Irish Representatives around me, who, like myself, are of that Celtic race which you have in vain sought to destroy. In us you find men whose fathers disputed every foot of Irish soil with yours, and who, in resisting the desolating advance of your invading arms, made your path through the Island for centuries one of fire and blood. Ours is no inferior race, but the equal of yours; and to-day, notwithstanding our fearful losses and the sufferings we have endured, we are more powerful to resist oppression, and struggle for the restoration of our nationality, than at any other period in our history. Now, when we meet you in a friendly and peaceful, but withal a frank and fearless spirit, to settle for ever the differences that have caused such sorrow and suffering to us, and so much weakness to you—when we desire to arrange the terms of a treaty of peace between the two nations, give us that consideration and respect which honourable adversaries ever receive at the hands of brave and just men. We make this effort to arrest the ruin that is settling on our country. We know that if our demand be acceded to, the discontent which prevails at present will disappear. The exodus which is a natural consequence of the system which debars the development of the country's resources, continues with unabated force to drain the population from our shores. The action of a native Parliament would tend directly to check that terrible drain. And it is not the less your interest that it should be checked. Imagine the feelings of a keen-witted people who see you, in no wise better gifted than they, constantly advancing in the path of prosperity and power, while they themselves are forced as if by inexorable fate to flee a land which is proverbially endeared to them, and to seek under a foreign and oft-time hostile flag the liberty denied them at home. Tell us that you will discard for ever the mistaken state policy, and the effectual national prejudices that have produced results so deplorable for our country! We demand it from your sense of justice to us, and your consideration for yourselves. Ireland comes here to-day as the Sybil, and in return for simple justice, offers you the priceless guerdon of her friendship. Her great heart is ready to forgive the countless wrongs of the

bitter and terrible past. Disregard not that offer—it is made in good faith—and the day will come when you will look back with gratitude on the hour of that alliance between the two countries, in which you relied “upon Erin’s honour and Erin’s pride.”

VISCOUNT ORICHTON said, he thought the hon. and learned Member for Limerick was bound to show, first, that the material prosperity of Ireland had of late years been retrograding so much as to call for the change he proposed, and, secondly, that there was an overwhelming preponderance of feeling in Ireland—not merely a numerical preponderance, but a preponderance of all parties in all parts of the Island—in favour of the change. The population of Ireland remained somewhat stationary in consequence of the potato disease, and it was too bad that a visitation of Providence should be charged to the fault of the Imperial Parliament of England. A reference to authentic statistics showed that the prosperity of the country was increasing. The value of live stock in Ireland was £21,200,000 in 1841 and £37,515,000 in 1871. The number of cattle was 2,900,000 in 1850 and 4,100,000 in 1873; while the number of sheep was 1,800,000 in 1850 as against 4,400,000 in 1873. The only species of live stock which had not numerically increased in Ireland during that period was the donkey. Again, the increased manufactures might be taken as a fair test of the prosperity of the country. In 1862 there were 100 factories with 592,000 spindles and employing 33,000 people; whereas in 1870 there were 150 flax factories, with 916,000 spindles, and employing 55,000 people. But the greatest test was supplied by the deposits in the joint stock banks, which having been £5,500,000 in 1840, had reached the amount of £28,700,000 in 1872. These few figures spoke of the material prosperity of Ireland more eloquently than the rhetoric of hon. Members below the gangway. As to the alleged preponderance of Irish opinion in favour of the change, he would remark that there was only a majority of 15 Irish Members in favour of Home Rule, and that so narrow a majority would not justify the House in assenting to the proposed change. The hon. and learned Member had alluded to the requisition for a Home Rule Conference, with its 25,000

signatures; but a careful analysis of that requisition would show how little claim it had to represent the wealth, the intelligence, or the social influence of Ireland. Of 187 Peers in Ireland only 1 had signed the requisition; of 107 Baronets only 5; of 3,500 magistrates and deputy-lieutenants 200; of 1,950 Protestant clergy 16; of 625 Presbyterian ministers 1; of 1,150 barristers 50; of 1,300 practising solicitors 300; of 2,900 medical men 400; and not one-twentieth of the landowners, bankers, or merchants. Then, what was the feeling of the Province of Ulster? At the last General Election every seat in Ulster was contested with the exception of two—Downpatrick and Lisburn. He admitted that two Home Rulers were returned for the county of Cavan, which, though geographically in Ulster, was more closely allied with the neighbouring Provinces than with the Black North. In Monaghan, too, a Conservative Home Ruler—that creation of the misgovernment of Ireland during the last five years—ran the sitting Members very close; but in not one of the other constituencies in Ulster did a Home Ruler dare show his nose. If, then, Ulster insisted on maintaining its connection with England, on what ground could Parliament deny its right to do so? Home Rule in Ireland would mean civil war with Ulster. [“No, no!”] The hon. and learned Member for Limerick said that, in his opinion, Home Rule did not mean Rome Rule; but he could not concur in that opinion. He did not wish to say anything which would excite the susceptibilities of any hon. Gentleman; but there certainly was a strong and deep-rooted feeling in Ulster that Home Rule did mean Rome Rule, and that it would be the subjugation of the country to a foreign and hostile Power.

THE MARQUESS OF HARTINGTON said, he wished, before he referred to the hon. and learned Member for Limerick’s (Mr. Butt’s) Resolution, to say a few words on the speech of his hon. Friend the Member for the county of Londonderry (Mr. R. Smyth), and on the Amendment which he had placed on the Paper, although it was not his intention to move it on the present occasion. The House might congratulate itself on the honest and manly speech in which that hon. Member expressed the views of a very large portion of the in-

habitants of the North of Ireland, who entirely disapproved the proposal of the hon. and learned Member for Limerick; and he thought the House must also view with considerable satisfaction the expression of that opinion which the hon. Member proposed to place on the Journals of the House. Still, in his judgment, the Government had taken a wise line, and the House would do well to support them, in preferring to meet the Resolution by a direct negative rather than by the adoption of the suggested Amendment, which, though eminently satisfactory as emanating from an Irish Member, did not cover the whole ground. In honour and in honesty, the Imperial Parliament of Great Britain were bound to tell the Irish people that whatever arguments might be used in reference to this question as it applied to Ireland, while giving every consideration to the just claims of Ireland, they could only look at it from an Imperial point of view; and that they were convinced that whatever might be the effect of the proposal upon the internal affairs of that country, they could never give their assent to the proposal of the hon. and learned Member for Limerick. It might be said that this was a strong declaration, but at the same time a very safe one on his part, seeing that the party to which he belonged were at present in a hopeless minority in that House, and that they had therefore nothing either to hope or to fear from the support of Irish Members. But he could say for himself—and he thought he might say the same on behalf of those who sat round him—that no motive of personal ambition, no consideration of party advantage, could ever induce them to purchase the support of hon. Members representing Irish constituencies by any sacrifice which, in their opinion, would endanger the union between the two countries. He knew it might be said that protestations of this kind were of little avail, and that when the exigency of the moment demanded it, they might be easily evaded and set aside; and therefore it was of more importance that he should express his firm conviction that if any hon. Members sitting on that side of the House were so reckless as to show a symptom on their part of a disposition to coquet with this question, there would instantly be such a disruption and disorganization of

parties, that they would find that they had lost more support from England and Scotland than they could ever hope to obtain from Ireland. Turning to the proposal of the hon. and learned Member for Limerick, he thought the House would not be justified in discussing the Motion directly before it without referring to the whole series of resolutions submitted to the Home Rule Conference in Dublin, which the hon. and learned Member had read, and which constituted the whole platform of Home Rule. The Resolution to which he should chiefly refer was the second which the hon. and learned Member had read, which was as follows—

"That, solemnly re-asserting the inalienable right of the Irish people to self-government, we declare the time, in our opinion, has come when a combined and energetic effort should be made to obtain the restoration of that right."

He submitted that the only claim of right which could be put forward in behalf of the Irish people was a claim to be restored to the position they held just before the Union; yet the hon. and learned Member claimed to set up on their behalf a perfectly new system of Federal Government. He need scarcely point out the overwhelming objections to our returning to the state of things that existed before the Union. In a speech which the hon. and learned Member delivered in reply to the late Mr. O'Connell in the Mansion House in Dublin some years ago, in which he put forward all the objections that it was necessary to urge against our returning to such a state of things, the hon. and learned Gentleman said—

"I ask of any advocate of that which is termed simple repeal, is he willing to recur to the state of things which existed on the day before the Union was passed? Is he willing to covenant that Ireland should abide by it? Let us suppose that an Act were passed declaring the Union null and void. We would return to the state of things that existed after 1782. In the first place, you must have all Bills passed by the Irish Parliament approved of by the English Privy Council, and sanctioned under the Great Seal of England, by Ministers responsible only to the English Parliament. More, far more, than this; you would have no Irish Administration really responsible to your Irish Parliament; you would have your internal, your local affairs, managed by Ministers dependent for their continuance in office upon the votes of an English Parliament at Westminster coming in and going out with an English Party, and, lastly and above all, you might find yourselves plunged into all the dangers and horrors of war by advice given by an English Ministry.

The Marquess of Hartington

You would have all questions of peace and war, and all Imperial questions, settled by the advice of a Ministry over whom you have no control, and settled by a Parliament in which you were not represented, and, as I have said, the very moment the English Ministers advised the Queen to declare war against France without consulting Ireland at all, without one single Irishman having any voice in the matter, that moment the Irishman who aided France would be guilty of treason. In 1791, eight years after 1782, Wolfe Tone thus described the position of Ireland in the Imperial confederation—for a confederation, though an imperfect one, there was—

“The present state of Ireland is such as is not to be paralleled in history or fable. Inferior to no other country in Europe in the gifts of nature—blessed with a temperate sky and a fruitful soil, intersected by many great rivers—indented round her whole coast with the noblest harbours, abounding with all the necessary materials for unlimited commerce—teeming with inexhaustible mines of the most useful metals—filled by 4,000,000 of an ingenious and gallant people, with bold hands and ardent spirits—posted right in the track between Europe and America, within 50 miles of England, and 300 of France; yet, with all these great advantages, unheard of and unknown, without pride, or power, or name, without Ambassadors, Army, or Navy, not of half the consequence in the Empire, of which she has the honour to make a part, with the single county of York, or the loyal and well-regulated town of Birmingham.”

“This is a true description of the state of things which existed in 1791. This, Sir, would plainly and indisputably be the effect of an Act which would simply repeal the Act of Union, and so send us back to the state of things which existed the day before it was passed, binding Ireland in all Imperial relations by the Acts of an English Ministry and an English Parliament.”

That was the state of things which the hon. and learned Member stated existed before 1795, and that was the state of things to which alone the Irish people could demand to be restored under a claim of right. The hon. and learned Member, in a part of his speech to-night, had pointed out that a return to the state of things which existed previous to 1782 would be still more injurious to Ireland. Since that time Great Britain had acquired vast colonial and foreign possessions, in which, if the Union were dissolved, Ireland would have no right nor title to share. But he should probably be told that it was not proposed to dissolve the Union. The House would, however, see that it was impossible to set up a federation unless the Kingdoms were first separated, and that, therefore, the first step towards federation must be to dissolve the Union. But then, if the Union were dissolved,

Englishmen and Scotchmen might well pause before they admitted Ireland to a share in the control of their vast Imperial possessions when Ireland refused to allow them to exercise any control over her internal affairs. The proposal, if entertained, must be considered not upon any claim of right, but upon its own intrinsic merits. There had been a new proposal laid before the House, and one that had never before entered into the mind of any English statesman. In his opinion, the proposition, if accepted, would lead to a complete separation, although the hon. and learned Member for Limerick had assured them to the contrary—that Ireland would not ask for, or desire, further separation. But what authority had the hon. and learned Member for saying so? Was he certain that if he went to Limerick for re-election after such a measure had been carried that all further grievances, with regard to social independence, were at an end? He could only say he gave the hon. and learned Member credit for perfect good faith; but it was the assertion of himself alone, and of his own opinion, and he (the Marquess of Hartington) was not willing to risk the integrity of the Empire on the assertion of anyone, however well-meaning he might be. It might be said that if the separation were effected, and jealousy and suspicion followed on Home Rule, the remedy would, as now, be in the hands of the Government of this country, and that if discontent prevailed it would have to be met then as it would be met now—by force. But he would submit that the position of the Imperial Parliament, in dealing with an organized attempt at separation, after the establishment of an Irish Parliament, would be a very different one from what it was now; for in dealing with sedition and insurrection now, they could cope with individuals by the power of the Legislature; but the case would be altogether different if they had to meet a demand for separation proceeding from an Irish Parliament with a complete organized system of Government, and all the resources of that Government at its disposal. That was one objection he took to this proposal. He would not go into the pecuniary difficulties of the case, which had been lightly touched on by the hon. and learned Member on that, as well as on other occasions; but he

would ask the hon. and learned Member, and others who agreed with him, what would be the pecuniary effect on the resources of Ireland if the course he advocated was followed? Ireland, it was said, was willing to pay her fair share of the Imperial expenditure; but as no complaint was made that Ireland was overtaxed, it might be fairly assumed that she would contribute to the Imperial expenditure just as much as she did at present. But did the hon. and learned Member for Limerick and his Friends expect after Home Rule those subsidies so liberally extended by the House in aid of purely Irish local objects? The aggregate of purely Irish grants in 1872 was £2,298,955, while in the same year the grants applicable to Great Britain reached no higher a sum than £2,664,000. Taking the total of these grants at £4,900,000, Ireland absorbed 46 per cent, or within 4 per cent of the half. Now, to Gentlemen of a patriotic mind £2,000,000 might be a very small consideration; but it could hardly be expected that grants would be made from the Imperial Exchequer to Ireland when it was deprived of all control over her expenditure. He knew that there was one grant for which some hon. Gentlemen were not grateful to that House—the grant for the Irish Constabulary; but perhaps they supposed that when there was an Irish Parliament there would be no necessity for an Irish Constabulary. There might be some credulity on that point; but there were other financial difficulties, which appeared to him to be insuperable. He had paid great attention to the figures of the hon. and learned Gentleman, and to the means by which he proposed to manage the financial affairs of the separate Kingdom and the Imperial Kingdom, but he confessed he had not succeeded in mastering them. He would admit it might be possible to devise some plan by which the ordinary expenditure might be divided between the two Kingdoms, and that such expenditure might be met by fixed taxes. But there was extraordinary as well as ordinary expenditure to be considered. It might be that this country might have to raise large sums for war taxes, and then either the Imperial Government must retain the power of taxing the people of Ireland or else the Imperial Government must make a demand on

the Irish Parliament for a lump sum equivalent to what should have been the contributions of that country. Now, he did not think that either of these plans would work. How was the Imperial Parliament to levy war taxes in Ireland if not supported by the influence and authority of the Irish Government and Parliament, and, more than that, in direct opposition to their wishes? And if the Imperial Parliament demanded £5,000,000 or £6,000,000 in a lump sum, what security would there be that the Irish Parliament would vote the amount? It might be said that we compelled Ireland to pay taxes; but it was a very different thing to compel people to pay taxes and to compel a nation to pay taxes which its Legislature did not approve. He hoped some one later in the debate would solve this difficulty; and he would now come to one of his strongest objections to the Motion. The hon. and learned Gentleman had assured the House—and he hoped he might be forgiven for saying that in this the hon. and learned Gentleman had shown consummate coolness—that the proposed change would, as regarded England and Scotland, be a slight one. In one of the speeches made by Mr. Charles Gavan Duffy, in October, 1844, he urged this objection to the Federation plan—

“Federalism, he said, as it is interpreted by some of the soundest men of that party, demands local Parliaments for the three divisions of the Empire, and the Imperial one in common. Now, if this principle be insisted upon, federalism is an impracticability, for it implies a reorganization of the British Constitution. Apart from any other objection to it, it raises a new and tremendous difficulty which does not exist against repeal.”

The hon. and learned Gentleman had said—

“I perfectly agree with Mr. Duffy. Any plan of a Federal union which would involve the breaking up of all the arrangements of the Constitution is impracticable. We must not come forward with a proposal to pull all existing things to pieces, in order to reconstruct fantastic baby-houses, or to frame political toys. It is vain to expect that the English people will consent to pull the fabric of Government to pieces for the sake of giving us Home Rule. The plan we propose to-day is open to no such objection. It can be carried out with scarcely an alteration—with no essential alteration in the present machinery of the Imperial Government.”

The hon. and learned Gentleman had claimed for Ireland that she should have a local Legislature and Administration, and if England and Scotland were

to have a local Legislature, it followed they must have a local Administration also. But neither England nor Scotland asked for a separate Parliament. What, therefore, followed? There must be a thorough examination and reconstruction of our whole administrative system, and we should have to decide what was merely local and what Imperial. We must keep the Foreign Office, the Colonial and War Office, the Admiralty, the Office of the Chancellor of the Exchequer, and the Treasury, though there would be two Treasuries, and take away the Home Office, the Local Government Board, the Education Department, the Legal Department, and they would have a separate government and not be responsible to Parliament. Would the hon. and learned Gentleman tell him that such a reorganization of our system was possible? It would not follow that the balance of parties which now existed in the Imperial Parliament would be the same in the Parliament of England and Scotland. It was possible that while the hon. and learned Member (Mr. Butt) might be at the head of the Irish Administration, the right hon. Gentleman the Member for South-West Lancashire (Mr. Assheton Cross) might be the Secretary for the Home Department, while his right hon. Friend the Member for Greenwich (Mr. Gladstone) might be at the head of the Imperial Administration. Take, again, the period of the last American War. The Imperial Government, anxious to avoid a dispute with the Northern States, resolved to stop two rams which had been ordered in this country for the Confederate States. But, supposing that the Secretary of State for the Home Department might not be answerable to the Imperial Parliament and supposing the English and Scotch Members took a different view of the case, who was to stop those rams? The Foreign Office had not any police or officers of Inland Revenue or any other force at their disposal; and if the Home Secretary would not co-operate with the Foreign Secretary and the Imperial Government, the Foreign Office might in vain order the rams to be stopped, and they would go out, and American vessels might become engaged in a hostile encounter with ships that had been permitted to escape by the Government of England. Suppose, again, that disturbances should

break out in any part of the country which required a military force for their suppression. The Home Secretary would belong to one Government, and the Secretary for War to another. They might not be on speaking terms, indeed, they might be bitterly opposed in politics, and how were the disturbances to be put down? The mere statement of the consequences which might ensue from such a system was enough. What, then, was the indictment on which the necessity for these extraordinary and unheard of changes was advanced? They were told that the Imperial Government had misgoverned Ireland. If that meant that the Government of this country had not been uniformly wise or successful he was afraid that such a charge might be brought not only against this, but against any Government that had ever existed. But could any Irish Member put his finger upon anything that the Imperial Parliament had done during the last 70 years, and say that it warranted such a charge? The Imperial Government could not be made responsible for the Potato Famine in Ireland. Was it sought to make it responsible for the diminution of population caused by emigration? Did any one contend that it would have been the duty of the Irish Government, if it could, to have prevented that emigration? If the Irish Government had stopped that emigration it would have done Ireland a worse turn than had ever been done to that country before. Would the hon. and learned Member for Limerick himself wish that the hundreds and thousands of Irishmen who were now earning a comfortable subsistence in America and our Colonies, and many of whom were now in affluent circumstances, should have remained and starved at home? The Irish emigration had no doubt been accompanied by suffering and hardship. Yet the emigration from Ireland had been the best thing that ever happened to that country, the emigrants themselves being better off and the condition of those who remained behind being also improved. If that was the worst indictment that could be brought against England he would plead guilty to that charge. It was said that our Government had not prevented insurrections in Ireland, and that it had been necessary when they were put down to take measures to prevent their recurrence. It was very

much our habit when insurrection broke out to say that the fault was always with the Government and never with the people. There were, however, some cases in which the reverse might be said, and he would ask whether there had been a single insurrection in Ireland since the Union for which a shadow of justification could be pleaded. It could only be said that these insurrectionary movements had been owing to the ineradicable desire of the Irish people to regain their independence and return to a system of self-government which would be wholly impracticable. If the hon. and learned Member for Limerick had been at the head of an Irish Administration it would have been just as much his duty to suppress these insurrections as it had been the duty of the Government that was in power. The Attorney General for Ireland, in his eloquent speech, had enumerated the great measures passed by the Imperial Parliament since the Union. Among those measures was Catholic Emancipation. The right hon. and learned Gentleman had also alluded to National Education. For himself, he would not go further back than the last Parliament; but he must say a word on the measures passed in that Parliament. He had heard with equal pain the observations of the hon. and learned Member (Mr. Butt) and of the Attorney General for Ireland upon the legislation of the last Parliament. The hon. and learned Member for Limerick had repudiated any claim or obligation of gratitude on the part of the Irish people for those measures, and he had insinuated that they had been wrung from the Imperial Parliament by the fears generated by the Fenian insurrection. The Attorney General for Ireland speaking on the same subject, had accused his right hon. Friend (Mr. Gladstone) of having, to a great extent, created the same impression by his imprudent references to the same subject. He denied both charges. He denied that the people of this country ever felt any serious alarm from the puny attempts of the Fenians. His right hon. Friend had said more than once that although the people of this country were never intimidated by the Fenian conspiracy, yet that the measures taken to suppress it had directed the attention of the people of England to the subject—that they were shocked at the amount of disaffection in Ireland, that their conscience was

thoroughly aroused, and that when a grievance was made an excuse for disaffection they determined to eradicate the causes of disaffection. It was both ungenerous and unjust of the hon. and learned Gentleman to attribute to fear what was really a noble and generous impulse on the part of his right hon. Friend. If disaffection existed, as it certainly did exist, it was the wisest, most courageous, and most manly policy to admit its existence, and to acknowledge the cause, and to avow the intention of the Imperial Government to eradicate all just causes of complaint. In the last debate on this subject, some forty years ago, the late Sir Robert Peel, in combating the Motion for a Committee, after enumerating the arguments that weighed against the proposal for Repeal, said that hon. Members must "consult their senses." Nature herself, he said, had pointed out the impracticability of Repeal, and the hon. Members had only to look to the map, and they would see that it was absolutely necessary that the two countries should be governed by one Government and by one Legislature. If the two countries were obviously united forty years ago, how much more completely they were united at the present moment by the increased facilities of communication and the development of trade. The intermixture of the two peoples had made them one far more than could possibly have been the case 40 years ago. Englishmen were settled in every part of Ireland, hundreds of thousands of Irishmen were settled in England. Their interests were indissolubly one; and it seemed to him that if either country had more interest than the other in the continuance of the connection, it was Ireland. England had, no doubt, made much greater advances in prosperity, but was not that all the more reason that Ireland should avail itself of the influence and energy of England? Were those men good friends of Ireland who, instead of removing every ground of grievance and uniting in closer bonds, were seeking to widen the breach as far as they could? It remained for the people of Ireland to consider whether, by accepting the inevitable—and he thought they would, by the result of this discussion, discover that it was inevitable—by entering freely and cheerfully into all their counsels, they would secure to themselves a far greater share of influence in the management of

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their own affairs than they had ever yet possessed since the Union, and get a very large share in all the Imperial concerns of England, or whether by advocating what was impracticable, by placing themselves in hopeless opposition to the ascertained wishes of the vast majority of the people of England and the Legislature, they would reduce to insignificance their influence in the councils of the nation and compel them to legislate for them without their aid, and perhaps sometimes in opposition even to their just rights.

MR. SULLIVAN: Sir—It is very necessary to be remembered that in this debate the Irish Members are not pleading before a tribunal the judgment of which can be held to be independent, or the decision of which can fairly be accepted upon the merits of their case. To accuse a man to himself, to ask of him a verdict upon his own actions, is hardly to consult an impartial authority. And just so do we stand here to-night in this debate—60 men before 500; but 60 men, almost two-thirds of the Representatives of the Irish nation, to plead this case, not before an impartial tribunal, but before the Representatives of the nation that has done us the wrong. ["No, no!"] I do not say not impartial as imputing anything against your fair dispositions to hear our case, and judge it as fairly as men may be expected to judge their own wrong-doing. I confide largely in your good-natured desire to understand our demand; but I do say, human nature being just what it is—that is to say, not being angelic nature, but human nature, you cannot call yourselves, nor can I, with sincerity, call you—being, as you are, one of the parties in the suit, being the defendants in the case, an impartial tribunal to try this great international issue between your land and ours. On the very threshold, I desire this matter clearly understood and well remembered. I want it understood that I address myself not to my judges, but that I accuse my wrongers; glad, indeed, to let their reply and my accusation be weighed by public opinion—the public opinion of the world; but quite refusing to let the decision of the accused, judge the merits of the case I plead. The front benches—at least the subordinates of the front benches on either side—have, apparently, competed in eagerness to combat the Irish

demand. We understand all this. It is a part of the game of parties. Until a cause is understood to be a winning cause—a cause out of the support of which more political capital is to be made than out of its resistance—your outs and ins will each seek to fasten on the other, or each seek to thrust from themselves the imputation of befriending it. And so we have seen the rivalry between a converted Irishman on the Treasury bench and an English nobleman on the ex-Ministerial bench; such a rivalry as many questions once decried, but subsequently supported, called forth between the same political parties. It was all the more necessary, I suppose, for the noble Marquess to make such a strong speech against the Irish demand, because his Leader, the late Prime Minister, in some of those oracular utterances for which he is famous, is alleged, by his political antagonists, to have said something which, according to the light in which it is viewed, might mean Home Rule, or Imperial Rule, or neither. Perhaps the Liberal Chief is, in this case as in others, the prescient statesman of the future, who desires to keep the future open; or, perhaps, our cause is deemed so weak just yet, that a lieutenant is put up to clear his chief of suspicion of favouring us. Be this as it may, I heard with admiration, for its ability, the speech of the noble Marquess. I think it was almost the only speech as yet delivered in this debate that really touched our case so as to call for serious answer. There was one portion of it, however, which was certainly unstatesmanlike. A real statesman, in these days, in combating a change, will carefully avoid the word "never." Never! It is a formidable word. We Members for Ireland have heard the noble Lords' dread ultimatum "never," and are in no way disquieted. And I will tell him why. It is because we have heard that ultimatum, that same word before, in reference to Irish demands, and we know what came of it. So the word does not hurt us, though it may harm greatly the party of which the noble Lord is a Member. He alluded to what he called the almost hopeless exclusion of his party from office, as lending disinterestedness to this wondrous eager attack upon us. Perhaps it throws the light the other way. Be that as it may, I can tell him that, what-

ever might have been the hopelessness of that party attaining to office before his speech this evening, it has been made a bitter reality for many a long day now. He tells us our demand can "never" be granted. The people of Ireland will only laugh when they recollect—it is within the memory of most of those who sit around me at this moment—a momentous occasion, upon which not merely the son of a Duke, but the son of a King, and the brother of the reigning Sovereign, used that same word of Catholic Emancipation, and clinched it with an oath—"My Lords, this Bill shall never pass; so help me God!" said York. The incident is within our own memory: the words are on public record. Well, the Irish people lived through, and triumphed over the "never" of the Royal Duke; they will live through and triumph over the "never" of the noble Marquess. We do not believe in any "never" in this business, as availing to put us down. All we care for is to be morally and politically right; and, being in the right, we face the future confidently. We do not come here to propose any novel scheme for altering ancient constitutional usage. We do not come here to plead about a plan for pleasing a county or a score of counties. We do not come here to debate, as it were, a Bill—that is, an ordinary Bill, in reference to which the House rightly puts the promoters of the innovation on their proof that the new Act will be better than the old. No; we deny that we are called upon to project our claim from that level, for ours is not a question between counties and counties, or between a school of reforming theorists and the nation at large. No; ours is the ancient constitutional and indefeasible claim of a nation to their birthright—a right which they never surrendered—a right wrested from them by terrorism and intimidation the most brutal, and by corruption the most flagitious—a right the illegal overthrow of which they have never sanctioned or condoned, and with which they are to-day equitably and morally as fully endowed as before that crime had been done. That is our case. And what is yours? Two of our positions are not disputed. It is, of course, admitted that Ireland possessed these independent legislative rights, which, with some modifications suggested by the growth of new

and common interests, we now demand in her name. It is not denied that she was some 74 years ago deprived of those rights, by scandalous and immoral means, by force and by fraud. So much, you say, is granted; but if it be, then I say our whole case is granted. For take any case you like in every-day life. Take an election to this House. Is you not here, in this House, every Session apply the doctrine that corruption or intimidation vitiates an election? You say the constituency has not chosen freely or legally, and you quash the election and declare it null and void. Well, is the election of a single Member of Parliament of more importance than the question of abolishing a national Legislature altogether? Will you tell me that the question of whether the Whig Mr. Brown or the Tory Mr. Jones is returned for a small borough to this House, is of greater moment than the life or death of a nation, the extinction of its Legislature, the abrogation of its autonomy? Why, you know the thing is too absurd, too ridiculous, too monstrous for serious argument. You would not allow a man to take his seat in this House; you would declare his election for ever illegal, for the millionth part of the fraud, corruption, and intimidation by which the Irish constitution was overthrown in 1800. So, we say then, the act was vitiated from the first—was never legitimized. The protests of the Irish nation have ever kept the claim alive; and as you cannot plead against us the effect of mere force and violence by you in our own wrong, we stand here to-day as if the Act were only an hour old. In view of these facts, we simply decline to occupy ourselves with some of the petty points raised in some of the speeches made this evening—as, for instance, the speech of the Attorney General for Ireland, one half of which answered the other. He told us of funny Petitions presented 80 or 90 years ago to the Irish House of Commons. Why, Petitions far more absurd are presented here in our own day. "Oh, but," says the right hon. Gentleman, "it is only in an Assembly like this, by coming in contact with Englishmen, Irish Members can become great statesmen." Well, consider the Irishmen who rose to fame in the Irish Legislature, and consider the Irishmen who have had this wondrous advantage of

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mixing here with Englishmen. I look across the House this moment to survey on the Treasury bench or elsewhere the superiors of the men whose names will never die. Well, I see an Irish Attorney General. Once an Irish Attorney General appeared in this House—he had made his fame in an Irish Parliament. Oh, what a giant he! While now, under the system of all those “advantages”—well—what shall I say? “Oh, what a falling off is here!” I shall moderately content myself with merely stating that with all those advantages of contact with statesmen in this arena, we have not another Plunket in the Attorney General for Ireland. The noble Marquess occupied himself considerably and with undoubted ability in imagining or suggesting the possible difficulties or inconveniences in way of our demand. We do not underrate those difficulties, though they may be exaggerated. We candidly say, yes there will be many difficulties to be solved; but we say their solution is not beyond the capacity of British statesmen. I answer all those ingenious puzzles and difficulties of the noble Marquess by the words of his now absent chief, who, in this House a few months ago, said that if it were once shown that the concession of Home Rule were advisable, he would be a poor statesman who could not readily devise the means for satisfactorily settling those details. In this there spoke out the mind of a statesman; and it is common sense, too. Let us only agree upon the other portion of the case, and this will not bar us long. Let us only in good faith and good feeling approach the question of Ireland’s title to these rights, and many a seeming difficulty will melt into air. I appeal then to the House to rise to a higher level, and to deal with the main principles of the question, and not to waste its time peddling over paltry quibbles and petty details, which no true statesman believes would stand a moment in the way, once you found such a solution of the case necessary for Ireland, for England, and for the Empire. We have heard wonders about Ireland’s prosperity since the Union. Fallacious comparisons have been used—the Ireland of 1790 being compared with the Ireland of 1874—and the system of London legislation has been coolly credited with all the result. To be sure, Ireland has

grown and progressed something from where she stood 90 years ago; but does that prove she has progressed in a natural healthful ratio of improvement? Why, Mrs. Harriette Winslow, the celebrated English baby-farmer, would be vindicated by such a line of argument, instead of being condemned to death for cruelty. “Here,” she might say, “is a child of two years; when you gave it to me 23 months ago it weighed only 9 lbs., and now it weighs fully 15. It measures fully three inches more in length, and it can almost walk.” And all that was true of some of the children whom she was punished for starving nevertheless. Yet the child’s mother would, I am sure, say, the real question was not had the child grown so much, but ought it to have grown much more if it had been as fully fed and as truly cared for as if it were under a mother’s care? So with all this talk about Ireland’s progress and prosperity since the days of the Irish Parliament. We ought not to compare Ireland of 1782 with Ireland of 1874 absolutely; but rather compare the progress of Ireland between 1872 and 1795—when the English Minister once more got our Legislature under his influence—with the progress of Ireland from 1800 to 1874. We challenge you to that comparison—the true comparison—or compare the England of 1782 with the England of 1874, and compare the Ireland of 1782 with the Ireland of 1874. We challenge you that comparison. I myself have made it. I have, as far as I was able, looked into the facts and figures of that comparison, and what does it show? Why, that wherever Ireland’s prosperity was doubled, England’s was at least quintupled, and in many instances increased twenty-fold; and wherever Ireland’s had quadrupled, England’s had increased more than twenty-five fold. I invite hon. Gentlemen to grapple with this state of facts if they can. In truth, in this rich and fair land of yours, the accumulation of capital within the past 70 years has almost surpassed comprehension. Contrast it with the measure of advance Ireland has been able to make in chains. [“Oh!”] Men who make only a very superficial study of this question are always profuse with statistics of the many excellent things Ireland has now, which in the days of an Irish Parliament were unknown; as

if that necessarily discredited an Irish Legislature. The hon. Member for the Tower Hamlets (Mr. Ritchie) was overflowing with such statistics this evening. Why, I can considerably help him in that line. He forgot to parade for us how many post office telegraph stations Ireland has now, whereas she had not one in 1782. The hon. Gentlemen could have made a grand point out of so many millions of postage stamps sold now in Ireland, and not one at all in the time of our own Parliament. But really was not this sort of thing very small? The rule of the Imperial Parliament might as well be credited with the general progress of the world, and with all the improvements flowing from the application of steam and electricity. All the world has been moving in these 74 years; and England has certainly been proudly foremost in the advance. The question then is not—Does Ireland stand now where she did 74 years ago; but where does she stand relatively with England, or with Home Ruled Belgium, in their rate of progression? In truth, there is a graver issue than all this, at best. It is not a question of postage stamps or telegraph stations, or exports or imports, or more or less pigs and oxen, though all these have their weight. The true question for a Ministry responsible to the Sovereign for the safety of the Realm, and for the contentment and happiness of her people, is—“Are you governing Ireland against her will? Is the Irish nation discontented or satisfied?” A prosperous and educated, but disaffected, nation is more dangerous any day than a poverty-stricken, ignorant, and discontented nation. There never was a more dangerous fallacy than that Ireland, if prosperous, would be contented with subjection. It used to be said in the powerful journals of this country that as the Irish farmer and citizen rose to comfort, his ideas of political regeneration and his love of nationality would pass away. I will ask hon. Members on my own side of the House, what has been their experience at the late elections in Ireland? Exactly as a county or district was prosperous or well-to-do, there the cause of Home Rule triumphed. [“No, no!” “Yes, yes!” and an hon. MEMBER—“Ulster!”] Oh! I will deal with the inevitable Ulster by-and-by. I state a fact which is within the knowledge and experience of

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scores of hon. Gentlemen here, that where the people were poor and struggling the Home Rule cause was most weak, and was most boldly attacked; whereas in the rich and prosperous counties of Meath, Westmeath, Limerick, Cork, Tipperary, Queen's County, King's County, Louth, and such places, the Home Rule majorities were largest, or else no opposition to Home Rule was attempted; for the passion for nationality was found to be imperishably implanted in the breasts of the people. As a people progress in education and increase in comfort, the less will they tolerate subjection or wrong. The great question, then, for this House is—Whether it is ruling Ireland in accordance with the will and desire of the Irish people? [“Yes yes!” “No no!”] Well, assertions are cheap, being easily made; but what test will the hon. Members who have “yes, yes!” so ready—what test, I say, will they be satisfied to take? Will they be satisfied with a vote of the population, as the Bonapartists are ready to take in France? Was there any one year, any one month or day since 1800, wherein or whereupon you would have dared to take a vote of the Irish people on your rule in that country? Not one; no, not one. Oh! but in such a case you will, no doubt, find some grand excuses—some great faults with a *plebiscite*. You found none with it, however, when even a base parody of a *plebiscite* was declared by you all-sufficient to overthrow the rule of the Sovereign Pontiff, and create this new power called Italy. Well, but if you will not have a *plebiscite*, what else will you have—what other way will you seek the verdict? Will you take the voice of the municipalities, or other elective bodies? No; you will find some other reason for shunning this. But, I say again, tell us what resort or process you hold to be efficacious for ascertaining a nation's will? We, on our part, say, “Try it.” Will you take the Parliamentary representation of the Kingdom? At the last General Election, for the first time, the electors, having the shield of the ballot, could freely declare their will. And how have they expressed it? By returning an overwhelming majority of Home Rulers. The majority of Home Rulers in the Irish representation is proportionately far larger than the majority which ex-

ables right hon. Gentlemen opposite to speak for and to rule the British Empire. Would the Parliamentary vote of Ireland be taken on this question? One of the greatest of your public authorities in the Press—*The Times*—has told us that the merits or demerits of a governmental rule is a question solely for the nation ruled by it to decide, and not for those who impose that rule, or for those who are outside of its operation. That was propounded for another case, to be sure; but we claim its benefit. If you will have neither of these tests, nor any test, do you expect the world to believe you when you say that you are ruling Ireland according to the will and desire of its people? No, you are not. Even in this Parliament, how stands the case? Within my memory there has not sat a Parliament here which approached the consideration of Irish questions in a better temper, or with, on the whole, kindlier feeling than this one has; and yet, what has it done on purely Irish questions? On every Irish question in which there has been a division, you have voted down, by English and Scotch votes, the constitutionally represented desire of the Irish nation. Take the figures. On the Amendment to the Address on the 19th of March, the Irish vote was—Ayes 43, Noes 25—carried by nearly two to one, but overborne by your British hundreds. On the 17th April, on the Irish Municipal Franchise Bill, a purely Irish question, the Irish vote—Ayes 43, Noes 12—was overborne by your English hundreds. On the question of Irish railways, the Irish vote—Ayes 46, Noes 6—was overborne by 185 British votes. On the Sunday closing question—a purely Irish question, and not a political question at all, but an effort for the protection of public morality—the Irish vote—Ayes 34, Noes 10—was in the same way overborne by English votes. I might go on through the whole Session; the Division Lists tell the same story. Even in this Parliament you are ruling Ireland against her will, and overbearing her desires. And if this be so, what is your position before the public opinion of the civilized world? You may ask—What do the Irish people want? Are they not clothed and fed? Have they not post office telegraphs, and postage stamps, and all the fine things of science and civilization? Are not, in fact, their chains gilded? Ah! I will

appeal to the men I see before me. I will appeal to Englishmen, in whose breasts surely must survive memories of greatness, and glory, and heroism. I appeal to you, and shall I appeal in vain to the men whose country's banner once led the way in giant struggles for blessed liberty on the battlefields of Europe? I appeal to you to recognize the fact that there is, after all, something greater, and grander, and nobler than mere animal life—something a nation ought to sacrifice and struggle for besides mere bread and butter and clothing! I, for one, refuse to allow the question of my country's life and liberty, as a nation, to be lowered to the mere level of the pocket, or the stomach considerations. Take any man in the world around you, I care not humble or lofty, only let him be, indeed, in intellect and soul, a man—feed him, clothe him, rule his affairs, curb and direct his actions, chastise his children, domineer in his home; doing, it may be, all for the best, as you think. Ask him, is he satisfied? Ask him, what does he want; has he not food and raiment, and perhaps luxuries in the home in which your authority has displaced his? What does he want? He will answer you in one word—Liberty! He will prefer "a crust of bread and liberty." So with a nation—if it be not an aggregation of slavish creatures, all stomach and no soul—they will any day prefer even poverty and liberty rather than to fatten in gilded chains. Some one has sought in this debate to make an argument against us out of the allegation that there is a more violent and extreme party behind us. The allegation is a fact; there is such a party. It is the accurate fact that we are a third party, a middle party, between the party of centralization on the one side, and the party of separation on the other. So far from hiding that fact, so far from it being an argument against us, we wish you to note and study it. We stand in Irish politics where the Deak party stood in Hungarian; they stood between the Imperial Austrian party on the one hand, and the Kossuth separationists on the other. We, too, have our Deak; we, too, have to withstand our Kossuth party on one side, and our Imperial factionists on the other. It is a difficult and often a painful task, this endeavour of ours amicably and honourably to settle this question. We must be

assailed from each extreme. Be it so. Whatever the vote of this House to-night may be, it will yet be recognized that we have offered a proposition—for the advantage of our own country it is true—but at the same time not less for the advantage of yours also. Surely, surely, it were true statesmanship to harmonize Ireland's desire for national autonomy with the requirements of Imperial welfare and safety. I reject the word "impossible," which would throw Ireland into the arms of the party of separation. I, on the contrary, have full faith in the future of the cause I plead. This House of Commons may vote it down to-night; but as long as we command a majority of the Irish representation, so long is your voting all in vain, so long will your hundreds against us be only your own condemnation.

THE O'DONOGHUE moved the adjournment of the debate.

MR. DISRAELI: I believe there is some anxiety on the part of hon. Gentlemen opposite that this debate should be adjourned. But the House will recollect the period of the Session at which we have arrived, and the great difficulty in which we are placed, although there is an anxious desire on the part of the Government to meet the wishes of the House on the subject. I trust, therefore, hon. Gentlemen will consider the matter. Her Majesty's Government are prepared to conclude the debate to-night; but I should be very sorry to address the House if afterwards we were to enter into a contest upon the subject of adjournment. If the House will proceed with the debate I will endeavour to bring it to a termination.

SIR COLMAN O'LOGHLEN said, it was impossible that the debate on such a subject could be concluded that evening, for hon. Members knew perfectly well that the newspapers reported nothing of the speeches after half-past 12 o'clock. There were a great many hon. Gentlemen on that side anxious to speak, and he hoped, therefore, the Government would give another night.

MR. DISRAELI: I understand there is a wish—not confined to one side of the House—for adjournment, and if a concession of that kind is to be made, the handsomest manner of making it is the best. I will, therefore, agree that this debate should be continued on Thursday; but I do so with the gene-

rous confidence that it will be concluded on that night. But it will be necessary that we should have a Morning Sitting on Friday.

Debate adjourned till Thursday.

House adjourned at half after
Twelve o'clock

HOUSE OF COMMONS.

Wednesday, 1st July, 1874.

MINUTES.]—PUBLIC BILLS—Ordered—First Reading—Turnpike Acts Continuance * [186]. Second Reading—Elementary Education (Compulsory Attendance) [16], put off; Corner (Ireland) * [49]; Hosiery Manufacture (Wages) * [124]; Labourers and Artisan Dwellings * [144], put off; Boundaries of Archdeaconries and Rural Deaneries * [143]. Select Committee—Apothecaries Licences * [155] nominated. Committee—Hertford College, Oxford * [103]—R.F. Committee—Report—Gas and Water Order Confirmation * [158]. Withdrawn—Petty Sessions Courts (Ireland) * [87].

INDIA—RIOTS IN BOMBAY.

QUESTION.

MR. DUNBAR asked the Under Secretary of State for India, Whether he can say how soon he will be able to lay upon the Table of the House the Papers relating to the Bombay riots?

LORD GEORGE HAMILTON: I cannot, Sir, exactly state the day upon which these Papers will be laid upon the Table of the House, but I can undertake that as soon as the Correspondence is complete it shall be produced. The subject to which these Papers relate is of great importance, and the Papers themselves are of such a character as to render it impossible to produce them at a moment's notice. Considerable Correspondence has, and is, passing between the Governments of India and Bombay and the India Office. When that Correspondence is concluded, the Papers will be complete, and will be laid upon the Table of the House.

Mr. Sullivan

ELEMENTARY EDUCATION (COMPULSORY ATTENDANCE) BILL. [BILL 16.]

(*Mr. Dixon, Mr. Mundella, Sir John Lubbock, Mr. Trevelyan, Mr. Mellor.*)

SECOND READING.

Order for Second Reading read.

MR. DIXON, in moving that the Bill be now read the second time, said: Sir, the Bill I am about to invite the House to read a second time to-day is as simple in its character as I believe, and as I hope, it would, if carried, be important in its results. The Bill proposes that whereas hitherto the election and formation of school boards throughout the country has been permissive, it shall now become compulsory; and whereas the school attendance of children has been permissive, and not enforced, except at the will of the inhabitants, it shall become compulsory on the part of school boards to enforce it. I am aware that there may be in the minds of hon. Gentlemen opposite some little prejudice arising against the Bill, in consequence of the quarter from which it proceeds, and therefore I will trouble the House with a few remarks on what the Bill does not propose to do, in order that, if possible, those prejudices may be mitigated, if not entirely removed. The Bill does not propose to repeal Clause 25; it does not propose to touch, in any manner, any of the religious difficulties which have surrounded the education question; it does not propose to give power to school boards to deal with voluntary schools; and, in the last place, it does not propose to give to school boards any more power than they possess at present of facilitating the transfer of voluntary schools, or of erecting new board schools. The Act of 1870 provided that wherever there was not a sufficiency of school accommodation, after due notice had been given, a school board should be formed for the purpose of providing for that deficiency; and therefore it follows that wherever a school board does not exist, there must be a sufficiency of school accommodation. Therefore the operation of my Bill will be mainly with reference to those districts where there is already a sufficiency of school accommodation; and, if so, the object of the Bill is clearly not to create any new board schools. The Bill is, in fact, what it declares it-

self to be. It is a Bill for the purpose of providing compulsory attendance at school, and it declares, further, that the best machinery for providing, or for enforcing school attendance, is school boards. Now, Sir, I should like to point out to the House the necessity which exists for this compulsory attendance. We have during the last few years been devoting much money and great labour to the cause of education, and the result of all that has hitherto been done, is clearly declared in the Report which has just been issued by the Department. The figures given in that Report have been declared by the leading organ to be startling; and I hope that, at least, these figures will arrest the attention of the country. The inference from these figures is, that of those children who ought to be in our public elementary schools, only about one-half are found on the registers of the public elementary inspected schools, and only about a quarter of these children who ought to be in these inspected schools, and therefore who ought to be presented for examination to the Inspector, are actually so presented. The Report declares that only about one-sixth of those who ought to be presented for examination in the public elementary schools actually pass the examination of the Inspector. There is, however, another point still more important to which I wish to direct the attention of the House. It has been agreed, I think, by all parties, that, unless children can pass in the Standards IV. to VI., the amount of education they have received is of such a character that it possesses of itself little value, and that there is not the slightest probability of its being retained; and, therefore, what we have to enquire is, not how many children pass in any Standard, but how many pass in the Standards from IV. to VI. I find from a consideration of these figures that they show that only six per cent of the children who ought to pass in these Standards IV. to VI. do actually pass. That is only about 1 in 17. That is to say, after all our labour, and after all the money we have expended, only about 1 in 17 is carrying away from these schools an education worthy of the name. I am aware that there are children receiving a kind of education in schools which are not under inspection; but of these schools we know but little, and

that little is unsatisfactory. Therefore, even supposing that the figures admitted of some modification, that modification can be but slight. If I were to say that instead of 1 in 17, 1 in 12 got this education, which enabled them to pass in Standards IV. to VI., I think that such a result ought to be considered most unsatisfactory, and one demanding the instant attention of the House. We must not forget that we have to compete with Continental countries. In Germany, every child would pass these educational Standards, and not only so, but would be able to pass in those extra subjects which only very few of our children attain to. Well, it is not unnatural that upon these figures there should have been some comment made by the Department; and in the Report signed by the Duke of Richmond, and by my noble Friend the Vice President of the Council, there occur these words—

"The lesson we draw from the figures we have quoted, is that earnest efforts will have to be made by every available means, to secure and enforce the attendance of children at school, as the sole condition on which we can expect that the labours of the past few years will meet with an adequate return."

These words will meet with the response and the approval of the whole country. But what has the Department done? What effort has the present Administration made to meet the difficulty and secure this compulsory attendance, which alone is to remove this serious state of things? Up to the present moment the Government has been absolutely silent. There were opportunities given to this House during the debate on Estimates, and in "another place" by the question of a noble Lord for a declaration of the intentions of the Government, but neither of those opportunities have been availed of, and we are totally ignorant of the measures to be proposed by the present Administration. I hope that to-day we may be enlightened as to the course that they intend to adopt. It is not merely the present Government that is in favour of the enforcement of attendance at school. The late Government arrived at the conclusion some two years ago, and the officials connected with the Department have been constantly urging upon their superiors the absolute necessity of compulsory attendance. None of the Inspectors have written against the suggestion,

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and 12 of them have spoken with more or less force in favour of compulsory attendance. I will read to the House an extract from the Report of one of the Inspectors, Mr. Steele. He says—

"There is only one means by which this principle can be carried out, and that is by compulsory attendance. It is very remarkable how completely thoughtful people of all political opinions have come round to recognizing the necessity of compulsion."

Another Inspector, Mr. Du Port, says—

"I think no one will question but that compulsory difficulties have turned out vastly less, and compulsory successes vastly greater, than those anticipated by panic-stricken opponents on the one side, or by sanguine supporters on the other."

The National School teachers expressed their opinion the other day, and I think that it will be admitted that their opinion ought to have the greatest weight. At their meeting held recently, resolutions were adopted that compulsory attendance ought to be universal as regards children up to the age of 10 years, and after that they ought to be sent to school by means of stringent Factory Laws. There are two great organizations which lead the public opinion of the country on this question. One is the National Education League, which is represented by the Bill now before the House; and I may say that the Bill has the support of the great body of Nonconformists of this country. The other great organization which fairly represents a considerable part, and, I am sorry to say for many purposes, far too influential a part of the people, is the National Education Union, which has its head-quarters at Manchester—this organization is also in favour of compulsory attendance. The other day a deputation from that society waited on the Department, and I wish to read extracts from one of the resolutions which they brought forward.

"That as absence from school and irregular attendance are the greatest obstacles to education, the attention of the Education Department be specially called to the difficulty at present existing in the enforcement of attendance at school in districts in which there are no school boards, and the great importance of affording a remedy for this defect."

Now, I never heard of any influential person or any great body in this country being adverse to compulsory attendance; and here we find that not only the school-masters, not only Her Majesty's Inspectors, not only the Education

League, not only the late Vice-President of the Department, but the present Vice-President, and the Education Union all uniting in expressing themselves strongly in favour of compulsory attendance at school. I believe we are all in favour of compulsory attendance, but I believe that some attach a very undue importance to those obstacles which lie in our way. We have been told over and over again that compulsory attendance has been a great success on the Continent of Europe; but we are also told that what succeeded there, may not succeed here, that it may not be applicable to the habits and institutions of this country. We are able to meet even that statement. What has been the result of the first two years where compulsory bye-laws have been carried out? In London the increase of attendance in voluntary schools has been 32,000, that is 20 per cent, and the cost of this compulsory attendance has been half-a-farthing in the pound. In Manchester, the increase has been 8,700, or 33½ per cent, at a cost of under one-third of a penny in the pound. In Birmingham, where unhappily there has been much discord at the school board, in spite of that, there has been an increase in the denominational schools of 7,000, that is 38 per cent, at a cost of one-third of a penny in the pound. In Hull the increase has been 2,200, or 37 per cent, and the cost is under one-third of a penny in the pound. In Stockport the increase is 53 per cent, at a cost of a penny in the pound. In Sheffield, where there has been great harmony throughout the whole existence of the school board, the increase has been 75 per cent, at the cost of one-third of a penny in the pound. But, Sir, this has been the increase in the denominational schools alone, and when we take into consideration the action of the school boards in providing additional accommodation, as well as in enforcing attendance, then we find that in London, instead of the increase being 20 per cent, it is 36 per cent; in Birmingham, instead of being 38 per cent, it is 50 per cent; in Hull, instead of being 37 per cent, it is 80 per cent; and in Sheffield, instead of being 75 per cent, the increase has been 100 per cent. How has that great increase of attendance been obtained? The machinery is so exceedingly simple, it is so easy in its operation,

that I will draw the attention of the House to what has taken place in Birmingham. We have gradually increased the number of officers, until we have now 13. These officers visit the parents of children who are not attending school, and when they find that there is a difficulty in persuading the parents, a notice is issued to those parents intimating what the result will be if the children persist in their non-attendance. Of these notices during the last two years 13,000 were issued; 1,250 parents have been summoned before the magistrates; 1,000 have been fined at a cost of £86 15s.; and six have been imprisoned. In other places with similar results, there have been no imprisonments at all. Public opinion in Birmingham, and I believe in every large town, continues to be in favour of the exercise of this compulsory power, and in Birmingham it is the intention of the board to apply their powers with greater stringency, and I have not the slightest doubt they will do so with the fullest approval of the ratepayers. I have taken pains to have accurate comparisons made between compulsory attendance in districts where there were school boards and districts where there were no school boards, and therefore no compulsory attendance. In Lancashire there are two towns—Preston and Blackburn—with nearly equal populations. They are both manufacturing towns, and they are both wealthy. The working men there are well paid; and, generally, the circumstances of the towns are similar. They both had a sufficiency of school accommodation, and therefore there was no necessity for the election of a school board under the Act of 1870. But there was one difference, and that was—whereas in Preston the education of the people was somewhat backward, in Blackburn, the education had been very successfully and satisfactorily attended to; so much so that the Inspector could only attribute it to the intelligent zeal of the teachers. One would have thought that the Act of 1870, giving power to enforce attendance at school by means of school board compulsory bye-laws, would have been put into operation by the town most backward. But the very reverse is the case. The backward town declined to adopt the school board and compulsory education upon the usual grounds—partly expense, and partly the opposi-

tion of the clergy, who feared the effect on existing schools. But in Blackburn, where education was so much advanced, there the school board was at once formed, and compulsory attendance was enforced. I think that that is a strong argument in favour of my Bill. I think the use of these powers ought no longer to be permissive, but that the time has come when the enforcement of compulsory attendance should everywhere be obligatory. What has been the result in these two towns? Why, in Preston, there has been no advance whatever—indeed, I have been informed that, in proportion to the population, the average attendance in Preston has rather declined; but, in Blackburn, there has been an increase of the average attendance in consequence of compulsion of no less than 20 per cent. Therefore, at the present moment, we find that Preston is 25 per cent behind Blackburn, and that in consequence of not having adopted the school board and compulsory attendance, as provided in the Act of 1870. I have heard it stated that compulsory attendance is all very well for towns, but not so suitable for the country—that agricultural districts were not in the same condition, and that it would not be a wise thing to enforce compulsion on those districts. I should have said precisely the reverse before the Act of 1870 was passed. If asked where the apprehended difficulty and danger were to be met with, I should have said it was in the towns, because in towns you find large masses collected together, and there, in the event of dissatisfaction, the result might be very serious. But in agricultural districts that is not so. There you have the advantage that there is no cottager who is not known to the people of his parish. He is under the immediate supervision of those about him, and under the influence of the squire and the clergy. But that is not the case in towns. There you have large populations who never come in contact with their “superiors” as they are called, and who are not accustomed to obey particular individuals in reference to matters applying to their social and domestic life. Another evil which towns suffer from is changes of dwelling. The officers may inquire into a case, but the parents remove into another district, and the work has to be done over again. That could not occur in a parish in the

country, where everyone is known to the authorities. One of the greatest difficulties of towns in this respect arises from the migratory habits of the people. In agricultural districts that difficulty does not exist, therefore the proposal ought to meet with less opposition in the country districts. Now, I am going to draw a comparison between an agricultural district where there is a school board and an agricultural district where there is no school board. In Buckinghamshire there were six villages, all about the same size, the circumstances similar, and, in every way, favourable for a fair comparison. Five of these villages, containing altogether a population of 7,800, did not adopt the school board system. There was, therefore, no compulsory attendance in those parishes. There was a Church school and a British school in each, so they had the advantage of rivalry. The attendance at the schools in these five parishes ought to be good. Well, we find the attendance amounted to 800. That was about 10 per cent of the population—an attendance above the average attendance of the county, and the country at large. We found in the neighbourhood, another village—Hanslope—which had adopted a school board and compulsory attendance. This village has not fallen under the influence of the Birmingham League. The Chairman of the school board was the squire of the village, and a relation of the right hon. Gentleman the Member for the University of Cambridge (Mr. Spencer Walpole). He has acted with great vigour. There was a deficiency of school accommodation. The denominational school afforded accommodation for 70, and therefore it was necessary to build a new board school, affording accommodation for over 200 children. Well, what has been the result? With a population of 1,680, the average attendance in May last was 270, or 16 per cent of the population of the village, instead of 10 per cent as in the other five villages. Let me put this increased attendance in another form—Had the average attendance in Hanslope been the same as in the surrounding districts, it would have amounted to 170, instead of which it has reached 270. But this is not all—in England and Wales only 69 per cent of the children, whose names appear upon the school registers, are in average attendance, whilst in the case of this Buckinghamshire village,

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the average attendance had reached 83 per cent of the children on the rolls, and there are not more than 5 or 6 children in the whole parish who are not on the rolls of the schools. Now, what has been the cost of this most satisfactory result in an agricultural district—in one of those districts to which I am anxious school boards and the compulsory system should be applied? Why, Sir, in this agricultural parish, the cost of enforcing compulsory attendance has been about $\frac{1}{2}$ d. in the pound. And if the whole of the children, instead of three-fourths were in board schools, then the total cost of schools and compulsion for every child in the parish would not reach 3d. in the pound. There are many hon. Gentlemen who think that the best way to enforce attendance at school is by indirect means under the Factory Acts. I want to make it as clear to the House as possible, however, that in many districts that system is actually prejudicial to the cause of education, and for this reason—the parents of children coming under the influence of these Acts say—“Oh, as to the education of our children, that will be provided for when they are old enough to go to work.” That is, when they become half-timers they will get the education they need under the Factory Acts. That is not a mere idea on my part. It is not the creation of my mind. The complaint is, that children do not come into the schools until their ninth year, the result being that the arrangement of the schools is interfered with, and the whole force of the educational power disturbed and weakened by having children in the lower Standards who ought to be in the higher Standards. An illustration of this is given in the case of Preston, where, in three schools there were 851 children over nine years who were preparing for Standards I. and II. All of those children ought to have been in the higher Standards, and the reason why they were not was this—that they had been kept from school before the Factory Acts could operate, under the strange misconceptions and unfortunate apathy of the parents of the children. In one afternoon, as many as 1,134 children were counted in the streets, and I believe that in two streets alone as many as 443 were counted. [An hon. MEMBER: At what hour?] During school hours. Of these children

it was stated—but this, of course, is a mere estimate—that five-sixths were of ages varying from four to eight, the ages of children who would be at school if the compulsory bye-law were obligatory instead of being permissive. Now, what, I ask, will be the effect of the Factory Acts when the ages are raised from eight to ten? Of course, the evil I have pointed out will increase, and it will increase to such a magnitude that it will be positively appalling. The fact is, that admirable as may be the intention of factory legislation with reference to the education of children, the results we desire to see cannot be properly attained unless you have direct compulsion in addition. The object of direct compulsion is to take care that those children who are below the factory age are sent to the schools instead of being in the streets, and I will venture to say that if they were in the schools, and in regular attendance there, up to the age of eight, nine, and ten years, we should then find that the Factory Acts would be sufficient to continue the education of those children in such a manner as to produce the results we wish to bring about. I now come to the second part of my subject, and that has reference to the question, what is to be the machinery to be employed for the purpose of enforcing compulsion? I have dwelt, I am afraid, at too great length on the first part; but I have done so because I hold that it is exactly in proportion as we are impressed with the absolute necessity of compulsory attendance at schools that we should be disposed to dwell less upon the subject of the machinery. Of course, I recommend school boards as the machinery for this purpose. I naturally do this, because I find that in England we have already existing school boards with reference to one-half the population; and not only is that the case, but, after the experience we have had of the working of school boards in England, the Government came to this House and obtained the consent of Parliament to the universal establishment of school boards in Scotland. Therefore, I say, it is natural that I should recommend the adoption of school boards as the machinery for effecting the object in view. I do not hesitate to say that the school boards have worked well in England; and I say that, not merely with reference to the results I have already indicated with re-

gard to compulsory attendance, but also with respect to the other results which have followed from the formation of school boards. It is perfectly true that there has been in some parts of the country what I have termed great discord, both at the elections and the meetings of the school boards; but that is one of the incidents of the freedom we enjoy in this country, and, although some of us may regret the bitterness, and especially the religious discord that has arisen in consequence of these school board contests, I will venture to say that the evils which have been occasioned thereby are very light in comparison with the magnificent results that have attended the action of the school boards. Now, what are the objections raised against these school boards? The first objection is as to the cost, and this is an objection which, I believe, exists in the minds of the farmers throughout the country. I have already shown that this is a mere myth, for surely they cannot object to one-third of a penny or one-half of a penny in the pound being added to their annual rates for the purposes of education. What, I ask, is the result of that expenditure? Why, Sir, when I have shown that, in an agricultural district like that of Hanslope, there is an average attendance 60 per cent greater than that in the neighbouring villages, surely my hon. Friends opposite will not suppose that even the farmers can object to this slight addition to their rates. There is, however, another objection, and it is one that is mainly entertained by the clergy. Their objection is that the compulsory formation of school boards will lead up to the erection of board schools; and they are afraid of board schools, for reasons which they have explained at great length, and which, therefore, I will not dwell upon. But I would here point out, as I have already done, that the clergy need not be at all afraid with regard to the matter, because it is perfectly clear that the operation of the Bill, if carried, will be confined, so far as the erection of schools is concerned, exclusively to those districts where there is already a sufficiency of school accommodation. I ask, what have they to fear if the district in which they reside is already provided with schools? The operation of the Bill would be to give them a machinery by which they could make their own voluntary and Church schools

more useful, because the attendance at those schools would be increased, and all the youthful population would be got in them. Why, therefore, should there be any jealousy or apprehension with reference to the operation of the Bill? I am aware that when a school board is established in a district, there will be the possibility of transferring some of the existing schools to the school board; but that transfer can never take place unless two parties are willing—one, the managers of the voluntary schools now in existence, and the other the school boards. But the school board represents the whole parish—it represents the rate-payers of the entire district—while the managers of the voluntary schools represent all the interests of those schools and the religion that is taught in them. You cannot transfer one single school unless with the approbation of both these parties. I ask, then, when all parties to the transaction are willing and anxious to have the transfer made, will this House say that it will not allow a Bill to be passed which gives them that option, because, although the parties are willing to avail themselves of it, yet, nevertheless, the House thinks that that option may, if granted, be detrimental to the interests of education or religion? But I should state that that course can already be adopted under the Act of 1870; and, therefore, in reality the Bill would not confer on the parties referred to a new power, for it is one which they now possess, and one which also I do not think the House of Commons is very likely to take away from them. Hon. Members opposite may say it is all very well for me to put forth these statements, but that my opinions have no weight with them. Well, I will quote to the House a paragraph from a pamphlet which has been published by the Rev. John Wilkinson, rector of Broughton Gifford, and secretary of the Salisbury Diocesan Board of Education, who may be taken as an authority on the subject. He says—

“The cost of these universal school boards will be no difficulty. The expense of a board may be a halfpenny rate, the maintenance of the schools twopenny halfpenny more—in all, a threepenny rate. The clergy have now an opportunity such as they never had before, and such as they never will have again. To oppose the formation of school boards is suicidal; we shall destroy our cause as well as ourselves. If we gladly welcome that aid, without which our

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schools can never be efficient, and that organization through which alone that aid can be supplied, we shall become component parts of a popular representative system, our just influence will be secured, and a field of usefulness opened to us larger than any we have yet enjoyed."

I now come to the last point but one on which I intend to touch. I desire to direct the attention of the House to the "whip" which has been issued by the National Education Union, and I do so because in that "whip" are stated the objections which the House is called on to consider as being those which ought to deter it from passing the Bill. In the first place, I would mention, in passing, that this "whip" is headed—"The Bill to amend the Elementary Education Act, 1870, by making obligatory the formation of school boards, &c., throughout England and Wales." Now, I protest against this heading, because it is not a true quotation of the title of the Bill which is to ensure compulsory attendance, and the "whip," therefore, is liable to mislead hon. Members. Well, the "whip" goes on to give three reasons against the measure. The first of these is "economy," and under that head a comparison is instituted between the cost of the voluntary schools and the cost of the board schools. It is unnecessary for me to answer that, because as I have shown under the Bill, there would not be a single board school forced upon the country, it being no part of the measure to do that. I could say a great deal in favour of board schools, but this is neither the time nor the place. The second reason is board "elections," and it is said—"the establishment of a school board involves frequent elections, with the labour and cost of contests." Now, the cost of contests is included in the estimate of one-third of a penny in the pound, and I wish to point out that wherever this difficulty as to cost and labour and all the other results following from contested elections are likely to arise, which is in those towns and places where parties are equally divided, there you already have school boards. It is in the country districts mainly and almost exclusively that you have not got school boards, and there all parties are of pretty much the same way of thinking. There need be no contests in agricultural districts between one section of the Church and another—between the clergy and the farmers, or between these and the

peasantry—for they have been so long accustomed to submit to the rule and influence of the powers that be, that there is no occasion to apprehend discord or trouble of any kind among them.

I now come to the last point referred to in this "whip," and that is "local taxation." It says—"Local ratepayers have already serious burdens to bear, and it is earnestly hoped that the heavy costs entailed by school boards without corresponding advantages may not be extended." My answer to this is, that the cost is one-third of a penny in the pound, and that the corresponding advantage is that very nearly double the number of children will be educated in the schools. Whether the National Union chooses to consider that a corresponding advantage or not, I must leave it to them to say. Well, Sir, I come now to my last point, which is this—if school boards should not be adopted as the machinery for carrying out compulsion, what is the alternative?—and here it should be borne in mind that we are all agreed that compulsory attendance is desirable. For my part, I should be satisfied with the school boards, and I believe that the majority of hon. Members who sit on this side of the House would also be satisfied with them. But when we come to make a proposal of that kind to the House, it is only right that alternative propositions should also be placed before it, and it has been my duty carefully to watch what alternative proposals have been suggested. The fact is, however, that not a single alternative has been placed before the country. I have already alluded to the deputation from the National Union which waited on the heads of the Education Department on the question. On that occasion, a long string of propositions was submitted to the Department, showing that very great care had been taken in the consideration of the whole subject, and I have already stated that there was a Resolution showing that they had come to the conclusion that compulsory attendance was necessary. And yet for all that care and attention on their part, and representing, as those gentlemen did, so large and influential a body on this matter, they had no alternative proposition to present. It is true that one gentleman—Mr. Powell, lately a Member of this House, and who may be said to have broken away from his Colleagues on the

point—did step forward to say that there was an alternative that might be adopted, and he suggested to the Department that, instead of school boards we might adopt, as the machinery for enforcing compulsion, the Boards of Guardians. My noble Friend, the Vice President of the Council, replied to that suggestion by stating that the Guardians were already complaining of the heavy nature of the duties thrust upon them, and that that new duty could not be fairly put upon that body. It appears to me that it is unnecessary to argue this matter further, as no authority could be greater than that of my noble Friend. It is not for me to show why the Guardians would be inferior to the school boards; but I may remind the House that they are not elected as the school boards are, for the special purpose of dealing with education—a duty that is not only an important one, but which is attended by peculiar difficulties, and requires to be very carefully, as well as very earnestly, carried out. If the school boards are not to be selected, and the Boards of Guardians are to be chosen, I would say give the Boards of Guardians the whole of the powers that are vested in the school boards, and if that be done I would not say that the body thus adopted might not in some respects be found to be satisfactory; but I do say that that body is an inferior body, and you will find that it will have none—or rather not all—of the advantages of the school boards, whereas it will possess all their disadvantages. You would also be throwing all these contests and the costs you speak of on an existing body, and endangering the good working of an existing institution, in order to avoid the formation of, certainly, a new body, but one which, I think, would be admirably adapted for its purpose. It is not now the time to enter into a discussion as to whether school boards might be improved. I think they might. I think the areas might be extended beneficially; but that is not the point at issue. I accept the school boards, and I say they are the best machinery we can have for the purpose we have in view. I ought to state that I was prepared to have made some observations with reference to the Amendment of the hon. Member for West Kent (Mr. J. G. Talbot); but as that Amendment has been withdrawn, and withdrawn, too, at the last moment,

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I think it unnecessary to make any reference to it, further than to say that I trust the withdrawal of the Amendment by my hon. Friend may be taken as an indication that he thinks the ground on which it was based is untenable. I would also remark that, whether it be tenable or not, in reality it never did in any way import any opposition to the Bill. It merely stated that before the Bill was passed something else should be done, and therefore I never counted my hon. Friend as an opponent, but merely classed him with that somewhat large number of persons who are always in favour of delay. I now submit the Bill to the House as an educational measure, as a measure that will not interfere unwisely, and certainly not unjustly, with the existing denominational schools; not as one that can be considered in any way detrimental to the interests of any particular Church, or to the interests of religion at large. I think, Sir, that the measure will be the means of attaining a very great object at the smallest possible cost, and with the least amount of harass either to existing interests or to existing prejudices. I venture to hope that the House will remember that it is not only the duty of Parliament to protect the children of the country against the apathy of their parents, but that it is especially the duty of this House, after having given political power to the masses, to take care that we shall hereafter be governed by an educated and not by an ignorant people. I beg, Sir, to move the second reading of this Bill.

Motion made, and Question proposed.
“That the Bill be now read a second time.”—(*Mr. Dixon.*)

MR. BIRLEY, in moving, as an Amendment, that the Bill be now read a second time that day three months, said, the measure which had been brought forward by the hon. Member for Birmingham (Mr. Dixon) though very brief, was very stringent in the character of the interference it proposed with the present system of education. It seemed to him to propose the enactment of a complete system of compulsion, requiring reluctant ratepayers to elect school boards in every civil and parochial district throughout the country, while those school boards were to enforce compulsory attendance on the part of the children in

all the elementary schools. He had naturally expected from the hon. Member for Birmingham a speech of a different character from that he had just delivered. At the close of the last Session the hon. Gentleman had expressed himself in these terms—

"The object of the League was this, the establishment of school boards throughout the country with compulsory attendance of the children, and the boards to undertake the management, superintendence, and payment for the secular education both in their own and in the denominational schools. The result would be that the various denominations would be saved the entire cost of the secular instruction, and would be able to devote their time and money exclusively to the religious instruction of the children."

But that evening the hon. Gentleman said that the voluntary and denominational schools had nothing to fear from the establishment of school boards throughout the country, and that the Bill would be inapplicable to those cases where there was already a sufficiency of school accommodation, it not being his intention to interfere with voluntary education. Now, that appeared to be a very important change of front on the part of the hon. Gentleman, and having listened attentively to the speech with which the Bill had been introduced, it seemed to him (Mr. Birley) that the school boards were simply to be employed under it to enforce compulsory education throughout the country. In fact, the Bill might be called by any other name. They might just as well, if they pleased, establish a body of men elected by the ratepayers, and give them these compulsory powers; the school boards simply being a convenient name, and one with which the country was familiar. If there were no ulterior design in the case, probably there would be some way of getting out of the difficulty, for the hon. Member had admitted that there was no very serious difference of opinion, as to the importance of enforcing primary education. They knew that there was a large class of the community who would not send their children to school, unless they were obliged, but the system of the school boards had in itself wider application than that, and he (Mr. Birley) confessed he had great doubt as to whether it was desirable to elect school boards throughout the country, whether the country was willing or not, giving

them practically so little work to do, whereas theoretically their powers were so very extensive. Let them look to what was the feeling of the country on the question of electing school boards. In the annual Report issued by the Education Department, it was stated that the population of England and Wales in the year 1871 was 22,712,266, of which the population of the metropolis was about one-seventh; the rest of the urban population, including 224 principal boroughs, was two-sevenths, or rather over; while the rural or semi-rural population, containing 14,082 civil parishes, contained the remaining four-sevenths of the population. The metropolitan district, or one-seventh of the whole had a school board prescribed by the Act. Of the municipal boroughs about 5,250,000 of the population had school boards, while 1,250,000 had none; and in the rural and civil parishes, while only 767 parishes had school boards, there were 13,315 parishes that had none. But he ought to add that in the case of the 767 parishes, the population was about 2,000,000, as against 11,000,000 in the 13,315 parishes. Of these civil parishes a small number had had school boards imposed upon them by the Education Department. It was clear from that that there was no great desire on the part of the rural parishes and the small towns to adopt the system of school boards; and if it were on this account only, he thought that the House ought to pause and consider what they were asked to do before adopting such a measure as that before the House. He was bound here to say that a good deal he had intended to say seemed to have become entirely unnecessary, because it did not appear from the change of front of the hon. Gentleman, to which he (Mr. Birley) had already alluded, that it was intended that the school boards should direct the education of the country; but he should like to ask whether it was not true that in many of the best educational countries of the world—Prussia, for instance, there were no school boards at all. [Mr. MUNDELLA: No; certainly not.] If there were school boards in the countries he had referred to, he must of course withdraw the statement which he had made; but he understood that the schools there were Government establishments, and that they were not managed by men elected by the rate-

payers. [Mr. MUNDELLA: Partly by the State, and partly by election.] There was no doubt that the contests referred to had been a source of mischief, but the hon. Member for Birmingham was much mistaken in supposing that these differences could not occur in quiet rural neighbourhoods. In some of the small market towns there was quite as much difference of opinion and bitterness of feeling as in any of the large towns, and he did not therefore anticipate any great amount of harmony in carrying out the provisions of the Bill, should it become law. It must be remembered also that from the want of having anything really to do, school boards were nowhere free from the risk of falling into great disrepute, and in the new boards that might be established they would have the great danger of apathy and incompetence, and he might add of jobbery. In many school boards there had been very lavish expenditure, and this might be followed by parsimonious re-action. He now passed to what, after all, was the most important point for their consideration that day—namely, the question of compulsory attendance at school. The House had heard many valuable illustrations of the advantages of compulsion. There was no doubt that attention had been directed to this subject, and that public opinion had been largely stimulated by the measure of the right hon. Gentleman the Member for Bradford four years ago, and the result had been, that a very large increase had taken place in the attendance at the schools. The hon. Member for Birmingham had not given them any particulars on this head; but he had said that the attendance was greater where there was compulsion than where there was none, and of that there could be no difference of opinion on either side. But there was another point on which he (Mr. Birley) wished to dwell, and that was the quality of the education. One great reason why they had not a better attendance at the schools and why the children did not remain longer was, that the quality of the education given was not of the character they required. There was no doubt, and it was admitted by the Education Department itself, that the action of the Revised Code has been to bring about something very like a dead level, injurious alike both to the teacher and the

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pupil, and Mr. Kennedy, one of the ablest of their Inspectors, had made some very pertinent remarks on this point. Mr. Kennedy said—

"I do not wonder that even the most intelligent parents take away their children from the elementary school after 10 or 11 years of age. Perhaps it is their very intelligence that makes them do so. Where there is little, or perhaps nothing, taught save reading, writing, and arithmetic, the school is in truth merely an infant school grown to undue and monstrous proportions. The minds of the scholars in the highest Standard make no worthy progress. They may have advanced 'a rule,' they may spell harder words, but there is no true development."

He would not quote from other authorities on the same subject at any great length; but he should like to draw attention to a few remarks made by another experienced Inspector, Mr. Russell, who, in his Report of 1870, said—

"So far as my district, at least, is concerned, the methods of teaching all three subjects—reading, writing, and arithmetic—are, on the average, decidedly inferior to those commonly used in it before the introduction of the Revised Code."

Mr. Stewart, Mr. Campbell, Mr. Warburton, Mr. Watkin, and Mr. Arnold had all made Reports to a similar effect. With regard to the question of regularity of attendance, the fact was too much overlooked, although for another purpose the hon. Member for Birmingham had referred to it, that a large portion of the population was of a very migratory character, and that meant not only removing from town to town, but from one part of a town to another. Nothing was more common than to find a child attending a portion of a year at one school and then being obliged to go for the remainder to another school, and under these circumstances, the child could not be called up for examination. A large deduction should be made from the objections that had been raised on that score. In consequence of this circumstance it had been suggested by the Education Department, that certificates might be granted, so that a child removed from one school to another might have the advantage of the examination of which it is now deprived, and the suggestion was worthy of consideration. There was a general concurrence of opinion on the necessity of adopting some means of making education compulsory; but the hon. Member for Birmingham had said that no alternative machinery

had been suggested. It had been stated that the nearest approach to the recommendation of an alternative to the machinery proposed in the present Bill was the suggestion of Mr. Powell, when with a deputation which waited on the Education Department a few weeks ago. The hon. Member for Birmingham had spoken of Mr. Powell as having broken loose, as it were, from his friends. He (Mr. Birley) could assure the hon. Gentleman it was nothing of the sort. It was true that another member of the deputation had said they had not come to a unanimous agreement as to what was the best body to whom the proposed authority should be entrusted, and Mr. Powell had observed that the guardians had been named. It seemed to him that without going so far as that, it might be possible to have a general enactment which by means of an extension of the Factory Act, the Workshop Act, and the Agricultural Children Act would soon bring all the children in the country under the operation of the compulsion clauses. It should be remembered that that question of compulsion was one in which they ought to consider the feelings of the people. It was an opinion widely expressed at the time of the last General Election, that the late Parliament had been too much in the habit of adopting systems of legislation which made that penal which had never before been considered a crime. If that was to be the policy of the House, it ought to be adopted with greater care and caution, and only under circumstances of the gravest moment. He was sure he was speaking the sentiments of many hon. Members on that side of the House, when he said that their objection to compulsion was not that they had any reluctance to perform a duty which they believed would be for the good both of the parents and children, but because they considered that the utmost caution was necessary in adopting any legislation for enforcing compulsion. The hon. Member for Birmingham had objected to the circulars sent out by the National Education Union, because they had objected to the Bill as one to amend the Elementary Education Act, by making the formation of school boards obligatory. Now, this statement contained the very words used in the title of the Bill. He held the Bill in his hand. [Mr. Dixon: That is not the Bill I hold

in my hand.] His object was rather to object to the obligatory formation of school boards than to the principle of compulsion. He trusted the speech of the hon. Member for Birmingham would inaugurate a new era in the history of this question. He had not heard a syllable from that hon. Gentleman attacking as a body the voluntary schools. He considered that one of the greatest evils besetting the discussion of this question had been the hostility of those who had endeavoured to foster bitter feeling as between the managers of the voluntary schools and the school boards. The speech of the hon. Gentleman the Member for Birmingham was, he was glad to say, of a totally different character. It was clear that it was the hon. Gentleman's intention to utilize the existing machinery as far as possible, so as to give all parties a fair chance, and to see that the regulations were placed in proper hands; that school boards might be formed as the occasion arose; and that if the parishes or the school boards neglected their duty the Department should step in; and that as much elasticity as possible should be given to the whole system. He would conclude by moving the rejection of the Bill.

Mr. J. G. TALBOT in seconding the Amendment said, that before addressing himself to the Bill before the House, he wished to explain the reason for the withdrawal of his Amendment. He had thought it would be better to take the sense of the House directly on a matter so important as that now raised, and to avoid the misconception that he was prepared under certain conditions to agree to universal school boards. It would be more consonant with the genius of our institutions to encourage voluntary effort. Some held that Continental education was better than ours. No doubt there were grievous blots on our social, moral, and intellectual condition; but still, looking at the educational system of Continental nations, as compared with our own, he thought we had not reason to blush at the result. He objected to the establishment of school boards, except under great necessity, because they were institutions which were quite opposed to the spirit of existing ones. He was in favour of voluntary effort, which he contended had produced results equal to the system of education adopted by any country in the

world. The election and working of school boards caused unnecessary expense and a waste of time to carry on the education of the country, which up to the present, had been well done by those who felt interested in it. Besides, he thought that school boards would in time degenerate into local Parliaments, to be used for purely personal purposes, resulting in the agitation of questions that had better be left at rest. He would, for the benefit of new Members, show what were the principles of the Bill as originally introduced by the right hon. Member for Bradford (Mr. W. E. Forster), and how they had afterwards been departed from by the Government, especially in the matter of religious teaching. On the 17th of February, 1870, the right hon. Gentleman said—

"Ought we to restrict the school boards in regard to religion more than we do the managers of voluntary schools? We have come to the conclusion that we ought not. We restrict them, of course, to the extent of a most stringent Conscience Clause."—[3 *Hansard*, cxcix. 457.]

Then he went on to say that if they prescribed that there should be no religious teaching, they would get out of the religious difficulty, only to involve themselves in an "irreligious difficulty." He also stated the reasons why the late Government thought they would cause more religious quarrels by not leaving the decision of the question to the school boards. [See 3 *Hansard* cxcix. 438.] The right hon. Member for South Hampshire (Mr. Cowper-Temple) then urged that the inhabitants of a district should be left to decide the character of the teaching to be given in their schools; and on going into Committee, the late Government announced that they would accept the Cowper-Temple Clause, of which the late Prime Minister said that the Church of England was asked to make a surrender of the distinctive formularies of instruction which it had been her universal practice to employ, while a large proportion of the Nonconformists, having no formularies to use, consequently had none to abandon. More than that, the previous power given to school boards to contribute to voluntary schools, so economizing the forces of the neighbourhood, was struck out by the Government. That was no doubt accompanied by an increased grant towards the maintenance

of voluntary schools, but that again was made less graceful by the withdrawal of all building grants after December 31, 1870. The school boards now had their liberty in those matters greatly infringed, and until that liberty was restored, he could never entertain the question of their fuller adoption. He and those who thought with him had high authority for objecting to those changes. The right hon. Gentleman the Member for Birmingham (Mr. Bright) speaking of the Education Act before his constituents in October last, strongly condemned them, and afterwards, in a letter to *The Times*, he said—"As to the changes and concessions made during the Session of 1870, which alone I seriously condemn," &c. Again, in his address to the electors of Greenwich, the late Prime Minister declared that he had a preference for the later over the earlier adjustments of the Education Act of 1870. The principal changes and concessions made in that Act were four in number—namely, first, the withdrawal of building grants after the 31st of December; second, school boards were granted when desired by the locality, even when there was no deficiency; third, school boards were not allowed to contribute to voluntary schools; and, fourth, the Cowper-Temple Clause. On the other side of the account, the only concession to voluntary schools was an increase of the annual grant. Those were the grounds on which he could not consent to see school boards made universally compulsory as long as they remained in their present condition. Passing to the question of compulsory attendance, he maintained that that principle was unnecessary, and that an encouragement of the existing system would produce the same effects as statutory compulsion. In support of that view he would mention the case of a school district in an agricultural part of Sussex, which contained 63 children of school age, all of whom were on the school books, and more than half of whom lived a mile from the school. Each child paid 3*d.* a week, of which 2*d.* was returned after 220 attendances were completed, or upon the whole year if the child was presented to the Inspector, and each child received a shilling for every subject of examination passed. The attendance had remarkably increased, having risen from an average of

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40 in 1866 to 53·3 in 1873; and every child in the school district averaged 370 attendances during the year. The income of the school had increased, and the teachers' income had been raised. That very successful example of the plan of securing attendance without compulsion was carried out by the Rev. W. D. Parish, in Selmeston, near Lewes, and judging from it, he hoped the House would seriously pause before it made compulsion universal, instead of inducing parents to send their children to school by argument and persuasion. Their work was a great one, and it had a direct bearing on the interests of future generations; and therefore they ought to proceed with caution, deliberation, and judgment. By encouraging those who had hitherto laboured and were still labouring in the noble cause of voluntary education, they would do more for the welfare of the people than could be achieved by the adoption of extreme theories and chimerical projects.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Birley.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR JOHN LUBBOCK congratulated the hon. Member for Birmingham (Mr. Dixon), on having half converted the hon. Member for Manchester (Mr. Birley) whose surprise at the remarks of the hon. Gentleman in introducing the measure, was only equalled by the surprise he (Sir John Lubbock) himself felt at the remarks of the hon. Member for Manchester, which were not directed so much against the Bill as in favour of extra subjects. But there was a marked difference between that speech and the one made by the hon. Seconder of the Amendment; and the speech of the hon. Member for West Kent (Mr. Talbot), on the other hand, was directed rather against the Act of 1870 than against the present Bill. At the recent banquet in the City the present Prime Minister truly said that—

"by elevating the spiritual, intellectual, and physical condition of our fellow-countrymen their energies might be trebled, and in that policy we should find the best security for the maintenance of our power and fame."

One great means of accomplishing that object was by improving the education of

the children of this country while at school. For his own part, he had not, on all former occasions, been prepared to follow the hon. Member for Birmingham, but on this he should support the hon. Member, because he represented the general feeling of those persons who had paid the greatest amount of attention to the question of education. They were agreed that for the great evils of non-attendance and irregularity of attendance at school, the only means of cure was to enforce a general system of compulsory education. At the beginning of this year Lord Aberdare declared that without compulsion it was impossible to get the children to attend school at all, or to attend for a sufficient time; and the right hon. Member for Bradford had repeatedly stated that the great problem was how to get the children to school throughout the country. It was all very well for the hon. Member for West Kent to advocate the voluntary system; but it had been tried for many years and the result had not been altogether successful. Her Majesty's School Inspectors had strongly expressed the opinion that one great remedy for existing evils was that contained in the present Bill. Mr. Bowstead said—

"All the practical educationists with whom I have been brought into contact agree that compulsion in one form or another must be applied."

But perhaps the strongest testimony of all was contained in the very last Report of the Committee of Council on Education, where the Duke of Richmond and the noble Lord the Vice President of the Council, speaking in the name of Her Majesty's Government, and representing, no doubt, the mature judgment of the Education Office, said—

"But the lesson we draw from the figures we have quoted is, not that the conditions of our annual grants should be either too rapidly raised in point of stringency or lowered to the level of existing things, but that earnest efforts will have to be made by every available means to secure and enforce the attendance of children at school, as the sole condition on which we can expect that the labours of the past few years will meet with an adequate return in the improved instruction of the labouring classes of the community."

Recently the noble Lord the Vice President of the Council had told them that there were no less than 900,000 children in the country who had not received six months' education. That was, indeed, a terrible state of things. What was the remedy? The country, as it seemed to

him, had clearly expressed its views and wishes on the subject. What had been the action of the school boards? It appeared, from the last Report of the Committee of Council, that the population under school boards now amounted to 10,494,000 and that school boards representing no less than 9,442,000 of these had adopted the principle of general and compulsory education. The exceptions, moreover, were mainly in the smaller places, for out of 105 cities and boroughs, containing 8,534,000 inhabitants, 92, containing no less than 8,400,000, had adopted compulsion; so that, in fact out of 8,500,000, there were only 150,000 who were not under compulsion. That was surely very strong evidence as to the opinion of the country. He was glad to hear the Home Secretary hint the other evening, the time had come when we ought to consider whether children under 10 years of age ought to be allowed to undertake any continuous labour of any kind. But it was obvious that the more they extended legislation of that kind, the more necessary it was to insure the attendance of children at school. It might be that the effect of the present Bill would be to increase the number of school boards; but that was not the special object of the promoters of the measure; their main desire was to ensure the attendance of children at school; the formation of school boards was the means of effecting this object. Until quite recently an Amendment stood on the Notice Paper in the name of the hon. Member for West Kent. The latter, it was true, had disappeared, but the spirit, he feared remained. The hon. Member asked the House to affirm that it could not entertain the question of the universal establishment of school boards until perfect liberty of religious teaching should be secured to such boards by the repeal of the 14th section of the Elementary Education Act of 1870. Now, what was that 14th section? It provided simply "that no religious catechism or formulary which was distinctive of any particular religious denomination should be taught in the school"—that was, in any public elementary school. Now, from the very nature of the case, those catechisms were full of abstruse and abstract terms. To grown-up people they were most difficult—how much more, then, for children? But when he (Sir John Lubbock)

Sir John Lubbock

had, year after year, endeavoured to obtain some instruction in geography, or in the elementary facts in nature for these children, his hon. Friend and those who acted with him had always opposed him, on the ground that the children were too ignorant to understand any history or geography; and yet, now, even the rudiments of an education were to be refused them, unless they were also instructed in the most difficult parts of religion, in doctrines which had puzzled and divided the wisest and most learned of mankind. If his hon. Friend said—"I will not allow these children to be educated, unless I am permitted to teach them my own catechism," that might be egotistical; it would be impracticable and unstatesmanlike; but it would at least be logical and consistent. But the hon. Member did not say that. He was anxious to prevent these children being educated, unless he was satisfied that they would be taught a number of opinions, most of which he himself considered to be false, dangerous, and heretical. If these views were adopted, the elections to school boards would turn on questions of theology, even more than was now the case. When it was once realized that school boards could not teach dogmatic theology, it was to be hoped that the best men would be selected, irrespective of their theological opinions; but if board schools were to be made sectarian, every school board election would necessarily turn on denominational questions, and everyone would feel bound to support the candidate of his own religious persuasion. It was gratifying to see that the venerable Archbishop of Canterbury himself did not appear to share the common objection to school boards; at least, he was reported as having said the other day that—

"There was one town in his diocese which he could not help thinking had hit off the golden mean in the matter. It had a school board, but no board school, and the result was that children were now sent to school in increased numbers."

Another ornament of the English Church, the Dean of Westminster, who displayed courtesy and charity towards those who differed from him, which did not always accompany distinction in theology, had recently referred with good-humoured disapprobation to the case of a clergyman who would not let the children of his parish go to a flower show, because

he had reason to believe that some of the roses had been grown by Wesleyans, and the Dean went on to express his opinion, that it was good for men to mix with others of different religious opinions. In the same way it was surely an advantage that children of different denominations should go to the same school, and be instructed together in those principles of morality and religion about which most were agreed. Such a course could not fail to soften down the asperities of theological differences, and might, perhaps, impress upon them that charity, which was so essential a part of religion. It ought to be remembered that religion was by no means excluded from the school board schools—in fact, so far as he knew, there was only one town in England where religion was not taught in these schools. The inconvenience and expense of school boards had, he thought, been greatly exaggerated by the hon. Member for West Kent. He (Sir John Lubbock) lived on the borders of two parishes, one had a school board, the other had not. Still it had a committee, consisting of the very persons who would, no doubt, constitute the school board if there was one. It had a rate which was called voluntary, but everyone paid it, and everyone knew that if he refused, steps would be taken to form a board and make the rate compulsory. Now, what advantage was there in this state of things to counterbalance the great disadvantage of being unable to make the education compulsory? The difference between the two cases was not so great as the hon. Member opposite would make it appear, and certainly was not so great as to throw difficulties in the way of extending compulsory education. The hon. Member for Manchester might carry his Amendment on the present occasion; but he (Sir John Lubbock) looked forward with hope to the time of another General Election, for he could not believe that the right hon. Gentleman at the head of Her Majesty's Government would go to the country as an opponent of national education. For his own part, he saw no cause for further delay, and he therefore hoped the House would at once pass the Bill. Compulsion had been found to work well abroad. It was all very well for hon. Members to object to our following foreign countries in this matter, but if

foreign nations introduced any improvement in their armaments, in their army or navy, they were always anxious that we should not be behind; and why not then, in the matter of education? Moreover, even in this country compulsion had been shown to be necessary; it had been tried and was found to work well. School boards, again, were no longer an uncertain experiment; they existed over nearly one-half of the country, and they had shown that when the people, through their Representatives elected for that purpose, had had the opportunity of expressing their wishes, they had by a very large majority decided on general compulsory education. School board schools might cost somewhat more than voluntary ones, but they were, at least, much cheaper than prisons. The time had now arrived for extending the principle to the entire country. The additional expense would be very trifling, and not worth a moment's consideration when thrown into the balance with the ignorance of the children for whose welfare the Bill was introduced. While economy was good in education, as in everything else, there would be no worse economy than to allow children to grow up in ignorance. If the elections for school boards were clumsy and expensive, let them be simplified; if certain schools were too costly, an effort might be made to reduce the expense. There would be time for all that hereafter; but it ought to be remembered, that while they were quarrelling over sectarian differences, while they were haggling over shillings and pence, thousands and ten of thousands of their children were growing up in ignorance. Surely, therefore, it was a mistaken economy, surely it was a grievous error, in grasping at the empty shadow of a delusive economy to abandon the solid advantages of a national education which was now within their reach.

MR. SCOURFIELD said, with regard to the remark of the last speaker as to imitating foreign countries, that there was no analogy between the case of the army and that of education, and pointed out that if the analogy was carried further than the hon. Baronet had done, they would find in respect of the Army, that we had refused to adopt one important principle from foreign nations, the very principle which was now the subject of contention—he referred to com-

pulsion. He (Mr. Scourfield) objected to the principle of compulsion *in toto*, and when the Scotch Education Bill was before the House, he opposed the compulsory clauses, and would have divided the House on the subject, if he had not been vanquished by the arrival of the dinner hour. He should be consistent, and follow the same course on the present occasion. The hon. Baronet had remarked that the voluntary system had not been altogether successful in this country. That was, in fact, a high compliment, for what system had been altogether successful? It had been said by Professor Smyth, one of the lecturers at Cambridge, that "the perfection of political wisdom was to be contented with mediocrity of success." One objection which he had to the present Bill was, that it seemed to him to be one of its main objects to prop up the credit of false prophets. It had on former occasions been contended by himself and others, that the amount of school accommodation to be provided would be far in excess of the actual wants. Facts had justified that anticipation; and now they were called upon to resort to compulsory means of securing a larger attendance, in order to save the reputation for infallibility of those who had called for the existing accommodation. It seemed to be thought that if that reputation was impaired, the whole system of nature would be convulsed; but for his part, he ventured to think that things would go on pretty much in their usual way. He maintained that the system of compulsion was foreign to all our institutions, and that if there was one principle which had been peculiarly observed in the public affairs of this country, it was that the end did not justify the means. Our criminal law afforded a notable illustration of the fact, for in its application, the country always required the greatest caution to be exercised in making use of the means provided. In an able article which appeared some time ago in *The Times*, on the life of that most distinguished man, Professor Simpson, of Edinburgh, who had done so much to mitigate human suffering, and who, among other plans, had one for the extirpation of the terrible evil of small-pox, it was remarked—

"The proposal to stamp out the small-pox by compulsory isolation was unsuccessful, because, however practicable in the abstract, the neces-

sary isolation would have been utterly subversive of the constitution and liberties of England."

The hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), wished to stamp out and extirpate drunkenness, and it might be that he had not in the least exaggerated the evil which he sought to remove; but it was felt that the means he proposed were incompatible with the social comfort and the free conduct of the vast mass of the people. It was now proposed in a similar way to extirpate ignorance. That was a subject on which there was the greatest diversity of ideas, and he doubted whether one person in ten had an accurate notion of what education meant. There was a great deal of work performed in this country which was a training in itself. Everything that was purely mechanical, involving mere routine, was not instruction; but all occupations which trained the mind, and encouraged patience and presence of mind, afforded a most valuable means of education. As the First Napoleon had said—"Courage, patience, and presence of mind will overcome everything." No man could be truly called ignorant who knew the business he professed to know; but, on the contrary, every man was ignorant who, when he undertook to direct a particular business, failed in the performance of his duty, and then made it a set-off, that he knew a good many other things which did not enter into the necessary performance of his duty. He made these remarks because he thought on the question of education and ignorance there was not that uniformity of opinion as to their definition which prevailed with regard to other evils which it was proposed to stamp out by compulsory processes. When a person asked for relief, and received money, the donor might impose some condition upon its receipt; and also, if a man committed an act of vagrancy, it would be right to impose certain conditions upon him; but to interfere with the education of every child, and tell the parent to send that child to a particular school, where, among other things, he might find bad companions, was an intolerable interference with social liberty which he hoped would not be successfully carried out. He knew something of the masses of the people of the country, and he felt that it was necessary to be careful lest, in

Mr. Scourfield

using words which seemed very fair in themselves, they gave powers which, when carried out in matters of detail, might prove obnoxious. He had spoken of the school accommodation as being greatly in excess of the actual wants, and he thought he was justified in doing so, for while accommodation had been provided for more than 2,000,000 children, not half that number had availed themselves of it. In the course of last Session, a gentleman who had been mainly instrumental in building a school, applied to the Privy Council for assistance, and was required to reduce the amount of accommodation he had intended to provide; but some time afterwards, when the school was built, he was desired to enlarge it, although the population of the parish was declining. Things like this irritated people, and, carried very far, would set them against the extension of this system of education—a system which required much delicacy and tact in its administration. The right hon. Gentleman the Member for Bradford (Mr. Forster), in a speech delivered on January 26, said that however anxious he might be to compel the parent to send his child to school, it must be acknowledged that it was an interference with liberty which must be very cautiously carried out, and that if caution was not observed, it would be impossible to apply the principle. He (Mr. Scourfield) concurred in that remark of the right hon. Gentleman, who had shown great consistency in regard to the question, and had treated the subject generally in a manner which had not always been the rule with the Education Department. Indeed, he could not help saying that a great deal of the ill-will which had existed in connection with the matter, had been caused by the manner in which, on many occasions, the correspondence between the Education Department and persons interested had been conducted. It, however, might be partly explained, when they considered that the writers of official letters, who were probably only clerks sitting on three-legged stools, were not always so civil as they might be. With regard to the mass of the people, he believed they might easily be led, but they could not be driven, and there was nothing they more dreaded than official meddling and interference. He did not exactly understand the way

in which the mass of the people were regarded by many persons; at one time they were regarded as those to whom all political power might be confided; at another time they were held to be unfit even to look after the education of their own children. In times of difficulty and danger he had heard many arguments, apparently very logical, intended to prove that we were infallibly going to destruction; he still, however, had confidence in the general good sense and good feeling of the people of this country, and he thought that this matter of education might be left to that good sense and good feeling, without the imposition of restrictions which were quite at variance with our institutions. With respect to the Factory Acts, he had been present at most of the debates in regard to them, and he had a distinct recollection that they had been passed, not from educational, but solely from sanitary motives. He supported them, because he objected to the injurious effects long hours must have on women and children; but that was an entirely different sort of compulsion from the one proposed in the Bill under notice.

MR. COWPER-TEMPLE said, the time had arrived when compulsion ought to be applied to the attendance in all public elementary schools. The penalties of the law might properly enforce upon the parents that duty which nature had already imposed upon them, and which their own conscience and natural affection ought to lead them to fulfil. Regular attendance would never be secured without some stringent law being supplied to punish those parents who allowed their children to remain uneducated, and he believed the general feeling of the country had come round to the necessity of compulsory education. Compulsion, however, could only be carried out in harmony with public opinion in the localities, and in some form that would not increase the prejudice that existed against school boards in many rural districts. But the machinery of the Bill was not the best for parishes in which sufficient accommodation was provided by voluntary schools. The constitution and election of school boards were fitted to secure responsibility and economy in the expenditure of rates; but if boards were established in parishes where no expenditure of the rates was required, merely for the purpose of framing some

simple and obvious regulations providing for the attendance of the children, and to see them carried into effect, that cumbrous machinery—which was only required for very different purposes—would introduce the conflicts and expenditure of contested elections. He would suggest that the Boards of Guardians should elect a small Committee of persons whom they might consider best fitted, from local knowledge, experience, and judgment, to frame the regulations for regular attendance that would be suitable to the circumstances of the district; and who might be trusted to deal with exceptional cases with common sense. They would occupy a position more of a judicial than of a representative character. Such a form of double election would be most likely to select the best persons. But if school boards were forced upon reluctant parishes, the electors—ratepayers who were afraid of extravagance, and jealous of too much education being given to the lower classes—might elect persons opposed to education, and disposed to thwart the Act. He believed there were many ways in which that great object could be helped on, but he feared that if the Bill were passed, it would impede rather than promote it, and for that reason he could not support it. The discussion on the Bill would, however, not be without its use if it induced the Government to give the subject earnest consideration, with the view of providing a means of meeting an obvious want. He believed the time had come for doing that, and that on the basis of the experience already gained they could provide effectually for the application of compulsory regulations to voluntary schools.

Mr. **HARDCASTLE** said, the hon. Member for Birmingham (Mr. Dixon) had said that it was generally acknowledged that any education short of Standards IV. and V. was unsatisfactory, and that the children who could only pass Standard III. were likely very soon to forget all that they had learnt. The value of that assertion depended very much upon what the Standards of III., IV., and V. were, and that was the question which had not been brought before the House, or, indeed, before the country, and he thought he might venture to say that there was not sufficient information upon the point to justify an intelligent public opinion being formed upon the

question at all. Standard III. was stated in the Education Code to be "A more advanced elementary book"; but there was no standard book adopted and sanctioned by the Government, and in order to ascertain what Standard III. was, they had to go to those books which were ordinarily used in schools under that denomination. He had provided himself with four or five such books, and he would venture to ask the attention of the House to the character of those books. He would read a single sentence from three or four of them. And to show that his remarks were within the truth he would quote a sentence from the first lesson in every one of those books. The books were bought at the principal depot of the National Society, and he there inquired for the books in general use in the country under the different Standards. The first book he took up gave children such words to spell as "crocodile," and "ichneumon," "devour," "prudence," and "contrive." In the first lesson of Neilson's Third Reading Book, he found that there were words with ten letters, such as "quivering," "construction," "thatched," and the words in common use were of a similar character. He should next quote from the Christian Knowledge Society's Third Standard book. The first words in the book to be spelt were "circumstance," "different," and "tolerable specimens." He trusted he had produced tolerable specimens of what Standard III. books were. The second sentence in that book was this—"You know that strong bone reaching down to the middle of the back which makes you sit and stand firm and straight." The last book to which he should refer was that published by the National Society—their Third Book; in the first lesson of which there were no less than 16 words in a single page, from seven to ten letters, as "candidate," "precious," "appearance," "ordinary," and "common." One sentence in that book contained a lesson which he might venture to read to the House which while affording a good specimen of Standard III., gave a valuable piece of advice which might be acted upon in that House. It was—"We learn from experience that very often things appear to our eyes different from what they really are." He thought he had shown that Standard III., which those unfortunate pauper chil-

Mr. Cowper-Temple

children were to be compelled to pass before they were to be allowed to earn their daily bread, instead of being, as asserted the other day, a low standard, was in reality a high standard; such a standard as not only pauper children, but children of any class, of the ages of 10 or 11, would find quite difficult enough. He wished to have a word on the subject of compulsion. He had been on a school board which exercised compulsory powers with regard to the pauper children which had been referred to, and those who were on the verge of pauperism. And they must remember this, when they talked of compelling their children to go to school instead of earning their bread, what they practically found upon a school board was some such thing as this—a wretched woman with three or four children, receiving from the parish 3s. or 4s. per week, brought up for not sending her child to school. She would plead that the little urchin was earning her 3s. or 4s. per week, and if they refused to allow her to send him to work, she asked where she was to get him bread. That was an unanswerable argument. The only way in which a case of that kind could be met was by providing an increased parochial allowance at least equal to the wages of that child. He doubted very much whether the ratepayers would sanction that greatly increased expenditure, and they would consider with the hon. Gentleman the Member for Hackney (Mr. Fawcett) that “work was better than want.” If they took away the very bread from the mouths of the children by compelling them to give up their employment without such an increase of parochial allowance, they would be interfering in a manner which no elected school board would carry out. He hoped that the House would not sanction universal compulsion; but if it were to be understood by the boards of the country that compulsion must be carried out, he hoped that it would be with the greatest possible consideration for the poorest and the most defenceless in the land.

Mr. FAWCETT believed that the speech which the hon. Member for Manchester (Mr. Birley) had delivered in opposition to the Bill would in future years be regarded as constituting an epoch in the history of elementary education in the country. The speech of the hon. Member for Birmingham (Mr. Dixon) was so temperate, that the hon.

Member for Manchester, who rose to oppose the Bill, did in effect second the proposition of the hon. Member for Birmingham, because he agreed with the most important parts of his speech. He (Mr. Fawcett) would not have ventured to trouble hon. Members with any remarks on the present occasion if he did not fear it was possible something was about to happen that afternoon which would not permit the progress of what a strong majority in the House desired. A division would be taken upon a false issue, because many who were in favour of compulsion would vote against the Bill of his hon. Friend, because they objected to the particular mode in which compulsion was proposed to be carried out. What the supporters of the Bill regarded, however, as of the first importance was the compulsion itself, the machinery by which it was to be carried out, being in their estimation only a secondary consideration. He was therefore anxious about this beyond all things, that the real strength in favour of compulsion should be shown in order that it might be a guide to the Government in the framing of a general measure on the subject. His hon. Friend the Member for Birmingham was the representative of a great educational organization, and many hon. Members might suppose that he desired universal compulsion, in order that school boards might in some way injure denominational schools. [“Hear, hear,” from the Ministerial side.] That was exactly what they did not want. He believed he spoke the sentiments of many hon. Members who sat near him when he said that if the Government would introduce a measure of general compulsion without requiring that school boards should be constituted universally, they would gratefully accept that measure. The supporters of the Bill had no desire to injure denominational or voluntary schools, and for himself, whatever might be his own feelings in connection with undenominational education, he always recognized existing facts, and would not support any endeavour by a side wind to aim a blow at denominational schools. What he cared for above all things was, that the children should go to school, and it was altogether a minor consideration to him whether they went to a denominational or undenominational school, and in that view, before concluding he would

throw out a suggestion to the Government, which he thought they might very well accept. As to the arguments in favour of general compulsion, they had been so ably treated by the hon. Member for Birmingham that he would only say this—the hon. Member for West Kent (Mr. Talbot) talked about direct compulsion being odious, and he was in favour of indirect compulsion. He (Mr. Fawcett) could see no distinction in principle between direct and indirect compulsion, and by accepting the principle of indirect compulsion, they had swept away every argument against direct compulsion. What was the difference between the two? If they had indirect and not direct compulsion they would say to a thrifty father of children who sent his child to work "We will not allow you to send your child to work; he shall go into the streets rather than work." That child would become an outcast of society, unless they took care that he should attend school so many hours a week. But if they enforced upon an unthrifty parent, who allowed his child to live a kind of vagabond life, some security for the education of his child, then they would be doing for the child of that unthrifty parent what they did not do for the child of a thrifty parent; and there would be this anomaly, that the children of one parent might be left to grow up in ignorance, whilst those of another would be educated, because their parent was a pauper. Allusion had been made in the course of the debate about parents being harassed by a compulsory system. Why did not hon. Members express those sentiments when the Factory Bill was last week before the House? That Bill was not simply a health measure. The Home Secretary stated again and again that it was a sanitary and educational measure, and the Preamble declared that the object of the Bill was to make better provision for the education of children. That provision was characterized by a principle of compulsion. An Act was passed at the close of the last Parliament—and it received the unanimous approbation of the great Conservative party—in which this principle was laid down, that no person should receive parochial relief unless he sent his children to school. The passing of that Act destroyed every argument against a measure of general compulsion. A great deal had been said

Mr. Fawcett

about the cost of carrying out general compulsion. With reference to the point: it had been ordered that the country should be occupied with schools sufficient to accommodate all children of school age; and could there be a greater waste than when these schools had been built by great efforts, by generous subscriptions on the part of friends of voluntary education, and by large grants from the Imperial Exchequer and by rates, to allow them to remain half empty, because they were not prepared to go one step further and see that the children for whom they were built should attend them? During the last fifteen years he, as a Fellow of a College, had had to administer a certain amount of landed property. Before the Elementary Education Act was passed, all in the College to which he belonged recognized one of the first duties of the ownership of property by liberally subscribing to a school. But what was their position now? They were obliged to discontinue their subscriptions. And why? Not because they were less anxious to promote education, but because under the existing law, the only possible chance of getting children to attend school was to withdraw subscriptions, so that a school board might be rendered necessary, and that in that way, machinery might be brought into operation to carry into effect the wishes of the friends of education. Under the existing law, although in the large diocese of Salisbury the feeling in favour of general compulsory education was strong and wide-spread, yet, in consequence of its being associated with school boards, there was only a chance of its being carried out in one town of the diocese. As he had promised, in the early part of his speech, he would make a suggestion to the Government, as he was particularly anxious that the friends of compulsion should not be forced to vote against the Bill, merely because they objected to school boards. As yet, no better machinery had been suggested than that afforded by school boards, but the supporters of the measure did not wish to force the House into a decision that compulsion was to be carried out by school boards, and by school boards alone. Therefore, if Her Majesty's Government should propose that any other local authority should frame rules for compulsory education, those who intended

to vote for the Bill now under consideration would cordially accept such a proposal. He, and hon. Gentlemen who acted with him, were striving for compulsion in order to secure the attendance of children at school, and not in order to gain a triumph for undenominational education, and if the Government would say—"We accept the principle of general compulsion, but we are not prepared to say what will be the machinery with which we shall carry it out," he, for one, should be satisfied with such a declaration, and would leave the subject in the hands of the Government, in the confident expectation that they would introduce a measure to solve the difficult question, and confer a lasting boon upon the people of this country. Hon. Members ought to remember that they had conferred a preponderance of political power upon the working classes, and if a judgment might be based on an expression used by the highest authority that Session, that preponderance would soon be considerably increased. Beyond that, subjects involving all the complicated questions between capital and labour were daily occupying more of the thought of the working classes. The attention they were bestowing upon these matters might prove a blessing to the country, or it might prove a curse, for ignorance was the parent of delusion, and many delusions, such as that of the labourer's lot being bad because of the tyranny of capital, and that of wages being low because Parliament did not intervene, might develop into a baneful growth, if they had the fertile soil of ignorance to feed upon. If he reflected solely on that aspect of the question, it would make him feel that what hon. Members ought chiefly to care about, and what he most desired was to secure the attendance of those children who either were not at school at all, or who attended very irregularly, and he regarded that subject as of infinitely greater importance than any questions that might be associated with the rivalry of sects or the contentions of denominations.

MR. GRANTHAM said, that though he was himself strongly in favour of compulsory education, he could not vote for a Bill, the main object of which was to provide for the compulsory formation of school boards throughout the country. No great practical difficulty had been found in carrying out the principle of compul-

sion in those places where it had been adopted, and if the object of the hon. Member for Birmingham (Mr. Dixon) had been simply to introduce compulsion, no one—not even the hon. Member for Hackney—would have supported him more warmly; but if this attempt to establish school boards was only made in order to obtain compulsion, a great change had come over his dream. He (Mr. Grantham) always believed that the great object aimed at by the members of the Birmingham League was to put an end to voluntary and denominational education, and it was upon that ground, that in previous years they were in favour of the compulsory formation of school boards. He therefore came to the conclusion that the compulsory education of children was, in their opinion, only a secondary object, and as the Preamble of the Bill and its title was disingenuous he should do all that he could to oppose it. Last night he had the honour of formally opening a large school in a poor neighbourhood in London where there was also a large board school. It was opened three months ago, nominally as a Sunday school, and six weeks ago as a National school. It would hold 800 or 900 children, the people had subscribed £3,600 to erect it, and before it had been opened six weeks, 500 or 600 children were in attendance. They paid 3*d.* a-week, whereas in the board school the children paid only 1*d.* That circumstance showed that many of the poor preferred to send their children to a denominational school, even when there was a cheaper board school close by. Still, if board schools were established everywhere, they would in many districts have a tendency to draw children from denominational schools to the schools established by the school boards, and, consequently, by diminishing the grants obtainable by the schools for the number of their children, materially impoverish the schools. In fact, people would not subscribe as they now did for voluntary schools in districts where school boards took the matter up, and they had to pay an increased poor rate besides their subscription. He hoped Her Majesty's Government would take up the question of compulsion seriously next Session or the Session after, and would introduce a measure giving to denominational schools the power of enforcing

compulsory attendance. As he had said, that was not so difficult a thing as it was often assumed to be. When bye-laws were framed by school boards it was not found so very difficult to carry them into effect, and it must be remembered that it was not the school board or its officers that enforced attendance, or punished parents for the non-attendance of their children. It remained for the magistrates to decide whether a parent should be fined or imprisoned, and they were very loathe to fine or imprison him except in extreme cases. Why, he wished to know, should not certain of the managers of denominational schools be empowered by a rule introduced in the Education Code to bring offending parents before the magistrates in the same manner as the school boards did under the existing system?

MR. W. E. FORSTER said, there had been so many Education debates that he sometimes feared the House was becoming weary of the subject; but there certainly had been no signs of weariness that day, because the proposal submitted by his hon. Friend the Member for Birmingham related to the most important branch, by far, of the education question. Notwithstanding the Education Act vast numbers of the children of the poor were not taught at all, because they never went to school, or else were so irregular in their attendance that the instruction they received did not deserve the name of education. While the general tone of the hon. Member for Birmingham's speech was moderate and conciliatory, the arguments he advanced in favour of compulsion were overpoweringly strong. Perhaps his hon. Friend had not made sufficient allowance for the schools which were not under Government inspection, and, perhaps, he had not displayed to the House quite enough of the hopeful side of the picture, by admitting that the average attendance had increased from 1,000,000 to 1,500,000 in the last three years. But there was no doubt whatever of the general correctness of hon. Member's figures, or of his inference that, unless we could compel the attendance of children at the schools, we should get no security for the object we had at heart—namely, that the children of our poorer fellow-subjects should not grow up in ignorance. The figures in the Report issued by his (Mr. Forster's) successors in the Education Department

were terribly correct, and the conclusion which the Duke of Richmond and his noble Friend (Viscount Sandon) drew from those figures could hardly be disputed. They said—

"The lesson we draw from the figures we have quoted is that earnest efforts will have to be made by every available means to secure and enforce the attendance of children at school as the sole condition on which we can expect that the labours of the past few years will meet with an adequate return, in the improved instruction of the labouring classes of the community."

The most available means, in his opinion, would be a declaration by law that there must be an enforcement of direct compulsion throughout the Kingdom. As to the objection that that would be an interference with the liberty of the subject, he would remark that the Legislature interfered with the liberty of the subject by every law it passed; and, in opposition to the hon. Member for Pembrokeshire (Mr. Scourfield), he contended that, in that case, the end fully justified the means. The State had a right to declare that a man should not be allowed to starve the mind, any more than he was allowed to starve the body of his child. There must be a declaration by law, that every parent who could pay for the education of his child should do so, with the assistance which the State afforded, and that when he was unable to do so, the State should step in and educate the child on his behalf. Accordingly, by the Act passed last year the Legislature had declared it to be the duty of the State to see that children should be taught, if the parents, being paupers, were utterly unable to provide for their instruction, and now his hon. Friend asked the House to go a step further and complete the work by supplementing it with the principle of general compulsion. He would here premise that when the late Government provided for the passing of bye-laws with regard to compulsory education, they did not look forward to permissive compulsion as the ultimate solution of the difficulty. Indeed, he felt quite sure that the success of the experiments which would be tried would be so signal that, in a short time, the House would be in favour of universal compulsion. The result had proved that he was right, for almost every considerable town of importance had taken advantage of the clause, and the general

Mr. Grantham

opinion of the country and of the labouring classes, who were most likely to be affected by the measure, was almost unanimously in favour of compulsory education. Judging from that, he could not look forward to a continuance of the anomaly by which it was a crime for a child on one side of a hedge to remain uneducated, while it was a matter of no consequence what was done in the case of another child on the opposite side of the hedge. They had, in fact, pushed indirect compulsion as far as they could, without supplementing it by direct compulsion, and they could not much longer interfere with work, without interfering with idleness also. They had declared that the ratepayers must, in all cases, defray the cost of the education of a child for whom the parent could not pay, and, surely, it was unfair to impose that burden on the ratepayers without being also prepared to compel a parent who was able to do so to pay for the education of his child? As to half-time education, he approved the proposal of the right hon. Gentleman opposite (Mr. Cross) as to the factory districts. There was, however, another part of the Bill now under discussion, for it provided not only for compulsory attendance at school, but also for the compulsory formation of school boards, as to which the circular sent to hon. Members by the National Union, a body which had done much good in the cause of education, was not framed with that regard for proportion which generally characterized their documents. After referring to the compulsory formation of school boards, it ended with "&c.," but, in his (Mr. Forster's) judgment, the "&c." related to by far the most important portion of the Bill. For his own part, he doubted whether the compulsory formation of school boards was the best machinery for carrying out compulsion in the districts in which no school boards existed at present. It would be, in the first place, a cumbrous machinery for the purpose, and it would subject the districts to a good deal of trouble and some expense, which, although he did not think would be very great, yet it would be unacceptable to those who had to elect the boards, and, in the second place, in districts where there was no compulsion, it was evident that the ratepayers did not desire a school board. An unwilling and inactive body

was the very worst they could get, and supposing the district thoroughly disliked the notion of a school board, was it likely that compulsion would be well carried out if Parliament forced the ratepayers to form themselves into a body which they did not like for the purpose of enforcing it? His own impression was, that in such a case they would give somebody a very small salary not to do the work. In Scotland it was easy to establish school boards everywhere, as that was merely the development of an old-established principle; but in England the case was wholly different. It did not seem to him, therefore, that a compulsory school board was the best mode of meeting the difficulty. What, then, was the best mode? That was a question which the noble Lord opposite would have to answer, just as he (Mr. Forster) would have had to answer it had he been in the noble Lord's place. The mode in which the thing was to be done was an Administrative question which could be solved only by the Minister of the day, who had at his command the official resources and assistance which would enable him to do it. There were two or three general features, however, which he would suggest should be found in any compulsory law. The first was the declaration of the law throughout the whole country; the second, the fixing of an age up to which the law should be universal in its application. It might, for instance, be universal and stringent up to 10 years of age; but after 10 and up to 13 or 14, it might be very elastic, so as to combine schooling with the possibility of work. He was strongly of opinion that, while on the one hand, we could not go further with indirect compulsion until we supplemented it by direct; on the other hand, we could not have universal compulsion without applying indirect compulsion to all the employments of the labouring classes. We could not go on picking out one class of work after another, but would have to apply the same rule to every kind of employment. But now, came the great difficulty of the whole matter. Having declared what the law should be, who was to enforce it? We could not hope to carry out compulsion by giving the managers of voluntary schools any legal powers, as suggested by the hon. Member who spoke last. In his opinion, it

could only be carried out successfully by the Government, and they would have to make use either of Government officials or elected officials. If the Government came to the conclusion that they would adopt the principle of compulsion—and from the answer of the Duke of Richmond in “another place” he hoped they would—there would be, of course, a great advantage in getting some local body to assist. But if they could not get any local body, they must not be afraid to pass a law to enforce compulsion; and if the Government attempted to enforce the principle there would be the power of the magistrate, the power of the police, and the power of the Government to appoint special officers to carry the law into effect. Then came the question, what vote was the House to give on this Bill? For his own part he confessed it was not perfectly easy for him to come to a decision, because the Bill had two objects—the one compulsory attendance, the other the compulsory creation of school boards. With the first object he agreed; he had great doubt with regard to the second. But balancing the two questions, he had come to the conclusion that compulsory attendance was the really important matter—that the other, which was a question of machinery, was by no means so important, and, therefore, if his hon. Friend the Member for Birmingham went to a division he should feel it his duty to vote with him. The question at that time of the Session could not by any possibility be successfully settled, and therefore, although no practical result could follow from the division that would be taken, he should by his vote certainly support the principle of compulsory education. He congratulated the noble Lord on the good omen which might be gathered from the speeches that had been made on the question that afternoon; the object of everybody apparently being, to obtain for the children interested the best possible education.

VISCOUNT SANDON said, he joined most cordially in the remarks which had been made as to the improvement in the general tone of the discussion compared with what had been the case in former years. It reflected, he believed, the sober judgment of the nation on that great question; and he begged to express his own obligations to the hon. Member for Birmingham (Mr. Dixon)

Mr. W. E. Forster

for the conciliatory speech he had made. The hon. Gentleman in making it, had committed himself to one very important point—that there was no objection whatever to the use of compulsory powers, even though the effect might be to drive the children into denominational schools. That was a truly liberal view to take—a view which had been upheld for years with great eloquence by the hon. Member for Hackney (Mr. Fawcett), but one to which the associates of the hon. Member for Birmingham had not so often given expression. It was, however, only by taking such a large and liberal view that we could secure a sound education for all the children of the country. The hon. Member also made an admission that he did not care about the machinery, provided we could get the children into the schools, though he should prefer school boards. Now, it seemed to him (Viscount Sandon) that the Bill had hitherto been discussed upon rather a false issue. When he looked into the Bill he could not but see that its main object was to create a vast new machinery with regard to education, in every village as well as town throughout the land—in fact, almost new municipal institutions for the whole country; that compulsory attendance at school was only an incidental part of the measure. The main feature of the Bill, in fact, was the creation of school boards universally, and upon that point, he at once took issue with the hon. Gentleman opposite. Means were already provided, and had been in existence for the last four years, by which people could express an opinion on the subject, and more than half the population, or about 12,000,000, did not want to have school boards. They had watched the experience of their neighbours, and had come to the conclusion that they did not like school boards. That was a very important consideration before forcing compulsory school boards on an unwilling country; for what would be the effect of any such attempt? What sort of school boards would they be likely to get? Were they likely to secure the hearty co-operation of the best men around them or would they not rather get a lukewarm and reluctant co-operation which would be very ineffective for the object in view. If they passed the Bill, after one or two meetings of the new municipal body to frame bye-laws, an officer would be ap-

pointed to get the children into the schools, and make them obey the bye-laws. If the parents would not send their children, then the resort was to the magistrate, who was to decide whether the officer was justified in forcing the children to school. He could not conceive anything more mischievous than creating those complicated municipal bodies in every part of the country, with very little to do except to talk. Then, there were two important items which had been overlooked—the expense of canvassing to individuals who might come forward to take their share in the work of the board, and the cost to the locality, which would be considerable; and with regard to the latter, the country, already, was not bearing with great composure some of the expense which school boards were entailing on it now. He had received a Petition from Liverpool the other day against the filling up of a large vacancy, which would cost the rates, he was informed, £1,500, and also from another place in which it was stated, a by-election would cost the public in that locality £700. Before, therefore, they scattered compulsory boards all over the country, the House was bound well to consider whether it was justified in forcing on it such an organization, and also whether such a course was expedient and absolutely necessary for the common object they had in view. It was impossible to shut their eyes to the fact that there was an increasing disinclination throughout the country to the triennial wrangling of the people who had been accustomed hitherto to live in harmony, and it would certainly be very unwise, and a serious hardship, unless for a proved necessity, to add another electoral struggle to the present amply sufficient contests of their civil life. He doubted whether any very large number of hon. Members would support his hon. Friend in forcing compulsory school boards on the country; and more especially, when it was remembered that when the right hon. Gentleman the Member for Bradford had to face the difficulty, he had decided against the plan of universal compulsory school boards. The other part of the question, which was altogether a by-question, was that of a general system of compulsion—namely, of compulsory regular attendance at school of all children of school age—and with regard to it

the course of the debate had shown the House that it was no easy matter to introduce such a system. Even the right hon. Gentleman the Member for Bradford had no very definite scheme to suggest for enforcing general compulsion. [Mr. FORSTER: I said it was for you, the responsible Minister, to suggest it.] He felt sure his right hon. Friend would have given the House the benefit of the scheme, if he had any. The House could hardly realize the enormous sacrifices the country had made in the cause of education. Why, the voluntary contributions for building schools had amounted to no less than £15,000,000 since the school system had been started a generation ago, while the State had contributed only £1,500,000. He quoted those figures to show the enormous pecuniary sacrifices which had been made by private persons, and the determination it evinced on their part that their poorer neighbours should have the benefit of a thorough education. People did not spend such sums voluntarily unless they felt a determination that the system to which they had contributed their money should be perfected. Then, the contributions from the rates were something like £3,000,000. But he would beg the House to remember that acting on behalf of the Government, when he introduced the Education Estimates, he felt bound to call attention to the miserable results as to attendance which a close study of the figures showed, notwithstanding all this zeal shown by the voluntary contributions, just mentioned, of those interested in education. That was the deliberate act of the Government to make the country ponder deeply on the fact, and to show that these questions of irregular attendance and non-attendance were receiving their best attention. In the face of the great difficulties of enforcing compulsion, to expect Government, before seeing its way, to commit itself as to the best machinery for securing that attendance at school which they all desired, and to attain which hon. Gentlemen on both sides had long been labouring, was surely unreasonable; and, indeed, the House would feel that the Government were unworthy of their place if, after their short experience of office, they committed themselves in any such way, without far more time for consideration of this very grave and difficult subject, and for

consultation with others respecting it. Indeed, the words which the right hon. Gentleman the Member for Bradford dropped, as to the extreme difficulty of finding out machinery for carrying out compulsion, would make any sensible Government pause before committing itself to so hazardous a change. Her Majesty's Government had shown their zeal in the cause by their legislation with respect to factories, and their friends had done the same, by the measure of last year with regard to agricultural children. He might, therefore, venture to challenge the House whether the feeling on that—the Ministerial—side was not shown to be fully alive to the importance of this great question. The question was undoubtedly a difficult and a complicated one; but he could assure the House it was receiving the best attention of Her Majesty's Government, and for his own part, he would approach it with a desire which was shared by all public-spirited men on both sides of the House, to secure a soundly educated population in time to come, a population fitted to fill the great part which the English race was destined to play in the future.

MR. LYON PLAYFAIR: The speech of my noble Friend the Vice President of the Council compels us to divide. I had hoped that he would have said something to prevent that necessity. He excuses himself on the ground that even my right hon. Friend the Member for Bradford was unable to describe a machinery for enforcing compulsion. That was not his duty; but it is no Cabinet secret that my right hon. Friend had a measure ready prepared for the purpose, and had it been the fate of the Liberal Government to have been in office this year, it would doubtless have formed one of the leading measures of the Session. I intend to vote for the second reading of the Bill, but I should like to give a short explanation of my vote. I view it simply as a Bill for universal compulsory education through the agency of school boards. If the Government admit the necessity for universal compulsion, but propose some other machinery than school boards to carry it out, I would be prepared to discuss their plan on its merits. For I admit that England and Scotland are not in the same position as regards education. In 1872, when the Scotch Act passed, and

made local boards universal, every parish had a rate-supported school, and voluntary schools were merely a supplement to the national system. The Act took the schools as it found them, and extended their basis on the national type. But, in 1870, when the English Act passed, England had not a single rate-supported school, and was altogether supplied by voluntary schools. Most of the considerable boroughs have now school boards, but of the parishes only 767 are included in 594 boards. I take it that there is a pretty common agreement, both in the country and in this House, that the large remainder of the 14,082 civil parishes of England must be subjected in some form or other to compulsory education. The only divergence of opinion on this point is, as to the nature of the machinery necessary for the purpose. But that difference of opinion constitutes a formidable difficulty. Till we have made further progress in adjusting local taxation, and in re-organizing local government, it would be impossible to establish school boards in England with powers of levying rates in more than 13,000 parishes. It is a different thing, however, to establish school boards with the limited object of enforcing attendance at schools. That would be a possible machinery even at present, and for this limited object I intend to vote. Nevertheless, I do not assert that even that would be wise unless it represents public opinion. Legislation, in regard to compulsory education, has no chance of success unless it is backed by public opinion. School boards are doubtless growing in favour. Last year there were 549; now there are 822. This increase, though satisfactory is not a sufficient rate of progress to justify us in waiting for the application of compulsion till the boards cover the land by voluntary adoption. The attendance even of the children who are on the school roll is so unsatisfactory, that compulsory laws are necessary, not only to force them into school, but also to keep them there. It is startling to know that out of 2,200,000 on the books, only 900,000 children above seven years of age made even upwards of half a year's attendance. That indicates such a huge waste of educational resources that it forces us to consider how such a great evil may be remedied. The value which I attach to the Bill is that it com-

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pels the Government to consider what action it will take. Whatever the demerits of a denominational system may be, it possesses one strong merit in my eyes—it renders compulsory education more easy of application than any other system. To make compulsion possible in a universal sense, two conditions are essential. In the first place, a parent must not be able to plead before a magistrate that he cannot send a child to school, because he does not possess the necessary fee, and cannot procure it. The Act of last Session cuts away that plea. In the second place, neither he, nor the Church to which he belongs, must be allowed to plead that the child is compulsorily sent to a school which does not represent the religious convictions of the parent. For violation of the conscience of the parent can be taken up by a Church as a far more popular and enduring cry than the violation of the conscience of the ratepayer can be taken up by the League. And the proof of that is to be found in Holland, a nation zealous for education, but which dare not pass a compulsory law, because its national schools are not acceptable to the Churches. Now, nothing is more clearly established by the experience of foreign countries than this—that compulsory laws are only effective when they express the desires of a whole people. Laws are easily passed, but not as easily enforced. Spain and Italy have compulsory laws, but they exist only in name. But in England, the working people desire compulsory education, and the force of public opinion is much in our favour. Now, the actual position of the question is one which it is very important for the Government seriously to consider before next Session. Because they have before them the experience that compulsory laws work well under school boards, and that they do not even exist in 13,000 parishes without boards, although these have denominational schools which are the most fitted for the exercise of compulsion. Hence, it need not surprise the Government if the public contrast these two facts, and come to the conclusion that the ratepaying system is the best for securing compulsion. I do not think it is, but it is for the Government to show how the voluntary schools may be brought under some other agency which can secure compulsory attendance. The Bill

forces this question into prominence, and therefore I support it. Not that I believe in the indifference of Government to the spread of education. The firm stand which my right hon. Friend the Home Secretary (Mr. Cross) took the other night in providing, by the Factory Bill, that children should not begin work until they are 10 years of age, proves that he is quite sensible how important it is to extend the benefits of education to the children of the working classes. But that very act of the Government gives an irresistible argument for the immediate generalization of compulsion. For experience in the past has taught us that children who enter factories have a neglected education. The parents know that there are half-time schools in connection with them, and think they will suffice. So the new Factory Act will force many children into the streets instead of into the schools, if there be no compulsory laws to lay hold of them. These fortunately do exist in most large towns, but do not exist in country districts. The Agricultural Children's Act, which we owe to my hon. Friend the Member for South Norfolk (Mr. Clare Read), will have the same effect in rural districts as the Factories Act will have in urban districts, and yet the country parishes have no compulsory laws. Our indirect compulsory laws are being made faster than Government can administer them without the aid of direct compulsion. I am far from complaining of indirect compulsory laws. I believe them to be absolutely necessary, for, with direct compulsion alone, the task of educating a whole people is most difficult of accomplishment. I go much further, and contend that we shall never succeed until education is made a condition for labour. Education should be the essential tool without which no child should begin to work, and no employer of labour should be allowed to employ his services. If reading, writing, and arithmetic were made essential tools for labour, parents would confer them upon their children, just as they would give them a hammer, chisel, or gimlet, if their sons were to be carpenters. And thus you would enlist every parent on the side of education, from noble motives if he possessed them, from ignoble motives if he did not. There is great merit in the plan of making education the essential condition for the employment of labour, for it

enlists at the same time both the virtues and the vices of the parents in support of such a compulsory law. Because, if they desire the earnings of their children, their necessities, their selfishness, their improvidence, their recklessness, would as much impel them to seek that education as their parental affection, prudence, and love of duty. It is only by making allies of the parent that we can hope to succeed. The prudent, loving parent will always be an ally of the State; but we must also make it for the interest of the sordid and selfish parent to aid us in educating his children. It is for this reason that I welcome the steps which have been recently taken to increase indirect compulsion. But the laws for this purpose have only rendered the more necessary direct compulsion, for the experience of all countries, and especially of Prussia since 1825, shows that both must work together. The Act of 1870, with its system of partial and permissive compulsion, still implied the necessity of universal compulsion. It enacted that every district, urban and rural, should have sufficient and efficient schools to educate the whole population, and it further provided the requisite machinery to secure that end. It is the natural outcome of such a law, that if it be right to compel a community to educate its population, it is equally right to compel each individual of that community to receive education. And we have now arrived at the general application of this principle. We say to the Government by the Bill before us—"You can accomplish this through the agency of local boards." It may be that the Government possesses other and better means of effecting the purpose; but, in absence of this knowledge, we present for their acceptance the only methods in regard to which we have any experience in this country. It is with this object in view that I vote for the second reading of the Bill before us. Those who favour denominational and voluntary schools must clearly perceive that the only justification for their existence is their efficiency—efficiency not only for educating those within their walls, but efficiency to cover the whole ground of national education within their districts. Let us give to them the liberty of instructing the people, but that must not degenerate into the liberty of keeping the people ignorant. When we find

Mr. Lyon Playfair

that towns with school boards can sweep in the children of careless and indifferent parents, we must inquire why the 13,000 country parishes do not. It is not right that our artisans should be fully comprehended in the national scheme of education, and that our peasants should be but partially comprehended. In forcing parents to educate their children, we are only applying one of those general laws to which individual citizens must be subjected for the common weal. For the parent who neglects to educate his children introduces into his country future citizens who are an injury to it. They form that residuum of the population which is predisposed to error, prone to immorality and crime, and the source of disorder, danger, and increased expenditure to the State. Hence, it is that the prevention of such a population justifies interference with the negligent parent. But if we all admit this, none of us ought to tolerate the existence of a state of things which allows the chief part of England and all Ireland to be in the melancholy condition which recent reports point out. In Ireland, 62 per cent of the children on the school roll are not in regular attendance, and in England only 41 per cent made their 250 attendances. We contend on this side that the time has come when that deplorable state of things should end. We offer the Government a means, and now place upon them the responsibility of refusing it, or showing to us other means which may effect the same end.

Mr. M. T. BASS said, he happened to have his residence and cottages in three different parishes, two of which had school boards already and schools; but one was seven miles distant from his cottages, the other nearly four. The third parish had not a school board, but was to have one. Now, he had provided schools at an expense of £2,000 for buildings and £85 a-year for masters and mistresses. But when one of his schools was seven miles and the other four miles away from his cottages, he wanted to know how compulsion could be carried out?

Mr. DIXON, in reply, said, that he regretted extremely the speech of the noble Lord the Vice President of the Council, who would postpone compulsion, until he found some machinery for working it which he could approve of.

He regretted that extremely, for he had hoped that the Vice President would have said—nay, indeed, he had expected that he would have said—that not only he himself, but that the whole House so concurred in the determination that compulsion should be universally established; that the only question which remained to be considered was, what was to be the machinery for carrying it out? and, although they had not yet made up their minds upon the point, yet, as public attention had now been roused to its necessity, they hoped soon to be able to come before the House with a clear and definite scheme. But what was the position in which the speech of the noble Lord now left the question? He understood it exactly as his right hon. Friend (Mr. Lyon Playfair) had understood it—namely, that the Government was not yet prepared to put compulsory education in force. Whether that was the case or not, the House must come to the determination whether it would now establish some system of compulsory education or not. That was what it was now to divide upon. The school board question was not the main principle of the Bill. The noble Lord had said that compulsory attendance was not the principle of the Bill; but, surely, it must be the principle of the Bill. As regarded school boards, they were only a means to the end. If the Government would allow the Bill to go into Committee, it would be a very fair subject for consideration what machinery the House should adopt for that purpose. He (Mr. Dixon) did not profess to say that the machinery proposed by the Bill was the best, or such as the House would adopt; but he did think that it was worthy of being considered. He was quite ready to give it up, if he could see a better; but it was in Committee alone that the machinery which was to be provided in the Bill for the establishment of compulsion could be considered. The question of compulsory attendance was the principle of the Bill upon which they were now about to divide.

Question put.

The House divided:—Ayes 156; Noes 320: Majority 164.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for three months.

AYES.

Adam, rt. hon. W. P.	Hodgson, K. D.
Allen, W. S.	Holland, S.
Anderson, G.	Holms, J.
Anstruther, Sir R.	Holms, W.
Ashley, hon. E. M.	Hopwood, C. H.
Backhouse, E.	Horsman, rt. hon. E.
Balfour, Sir G.	Howard, hon. C. W. G.
Barclay, A. C.	Jackson, H. M.
Barclay, J. W.	James, Sir H.
Baxter, rt. hon. W. E.	James, W. H.
Bazley, Sir T.	Jenkins, D. J.
Beaumont, Major F.	Jenkins, E.
Biddulph, M.	Johnstone, Sir H.
Brassey, H. A.	Kay - Shuttleworth,
Briggs, W. E.	U. J.
Bristowe, S. B.	Kensington, Lord
Brogden, A.	Kingscote, Colonel
Brown, A. H.	Kinnaird, hon. A. F.
Burt, T.	Knatchbull-Hugessen,
Cameron, C.	rt. hon. E.
Campbell-Bannerman,	Laing, S.
H.	Laverton, A.
Carington, hn. Col. W.	Law, rt. hon. H.
Carter, R. M.	Lawrence, Sir J. C.
Cartwright, W. C.	Lawson, Sir W.
Cave, T.	Lefevre, G. J. S.
Cavendish, Lord F. C.	Lloyd, M.
Chadwick, D.	Lorne, Marquis of
Childers, rt. hon. H.	Macdonald, A.
Cholmeley, Sir H.	Macduff, Viscount
Clifford, C. C.	Macgregor, D.
Cole, H. T.	Mackintosh, C. F.
Colman, J. J.	M'Arthur, A.
Corbett, J.	M'Arthur, W.
Cotes, C. C.	M'Combie, W.
Cowan, J.	M'Lagan, P.
Cowen, J.	M'Laren, D.
Cowper, hon. H. F.	Martin, P. W.
Crawford, J. S.	Matheson, A.
Cross, J. K.	Molly, G.
Crossley, J.	Milbank, F. A.
Davie, Sir H. R. F.	Mitchell, T. A.
Davies, R.	Monck, Sir A. E.
Dilke, Sir C. W.	Morgan, G. O.
Dodds, J.	Morley, S.
Duff, R. W.	Muntz, P. H.
Earp, T.	Mure, Colonel
Egerton, Adm. hon. F.	Noel, E.
Fawcett, H.	Norwood, C. M.
Ferguson, R.	Palmer, C. M.
Fitzmaurice, Lord E.	Pease, J. W.
Fletcher, I.	Pender, J.
Foljambe, F. J. S.	Pennington, F.
Fordyce, W. D.	Perkins, Sir F.
Forster, Sir C.	Philips, R. N.
Forster, rt. hon. W. E.	Playfair, rt. hn. Dr. L.
Goldsmid, Sir F.	Plimsoll, S.
Goldsmid, J.	Potter, T. B.
Gourley, E. T.	Price, W. E.
Gower, hon. E. F. L.	Ramsay, J.
Grieve, J. J.	Rathbone, W.
Grosvenor, Lord R.	Reed, E. J.
Harcourt, Sir W. V.	Reid, R.
Harrison, C.	Richard, H.
Harrison, J. F.	Robertson, H.
Hartington, Marq. of	Russell, Lord A.
Havelock, Sir H.	St. Aubyn, Sir J.
Hayter, A. D.	Samuelson, B.
Herschell, F.	Shaw, R.
Hill, T. R.	Sheridan, H. B.

Sherriff, A. C.
 Simon, Mr. Serjeant
 Smith, E.
 Stansfeld, rt. hon. J.
 Stuart, Colonel
 Taylor, P. A.
 Tracy, hon. C. R. D.
 Hanbury-
 Trevelyan, G. O.
 Villiers, rt. hon. C. P.
 Vivian, A. P.
 Vivian, H. H.

Walter, J.
 Weguelin, T. M.
 Whitbread, S.
 Whitwell, J.
 Williams, W.
 Wilson, Sir M.
 Yeaman, J.
 Young, A. W.

TELLERS.

Dixon, G.
 Mundella, A. J.

NOES.

Adderley, rt. hn. Sir C.
 Agnew, R. V.
 Allen, Major
 Allsopp, H.
 Allsopp, S. C.
 Anstruther, Sir W.
 Antrobus, Sir E.
 Archdale, W. H.
 Arkwright, F.
 Arkwright, R.
 Ashbury, J. L.
 Assheton, R.
 Baggallay, Sir R.
 Bagge, Sir W.
 Bailey, Sir J. R.
 Balfour, A. J.
 Ball, rt. hon. J. T.
 Baring, T. C.
 Barrington, Viscount
 Barttelot, Colonel
 Bates, E.
 Bathurst, A. A.
 Beach, rt. hn. Sir M. H.
 Bective, Earl of
 Bentinck, G. C.
 Beresford, Colonel M.
 Birley, H.
 Bolckow, H. W. F.
 Boord, T. W.
 Booth, Sir R. G.
 Bourke, hon. R.
 Boussfield, Major
 Bowyer, Sir G.
 Bright, R.
 Brise, Colonel R.
 Broadley, W. H. H.
 Brooks, W. C.
 Browne, G. E.
 Bruce, hon. T.
 Bruen, H.
 Bryan, G. L.
 Brymer, W. E.
 Buckley, Sir E.
 Bulwer, J. R.
 Burrell, Sir P.
 Buxton, Sir R. J.
 Callender, W. R.
 Cave, rt. hon. S.
 Cavendish, Lord G.
 Cawley, C. E.
 Cecil, Lord E. H. B. G.
 Chambers, Sir T.
 Chapman, J.
 Charley, W. T.
 Christie, W. L.
 Churchill, Lord R.
 Clifton, T. H.
 Clive, Col. hon. G. W.

Close, M. C.
 Clowes, S. W.
 Cobbett, J. M.
 Cobbold, J. P.
 Cochrane, A. D. W. R. B.
 Cogan, rt. hn. W. H. F.
 Cole, Col. hon. H. A.
 Collins, E.
 Conolly, T.
 Conyngham, Lord F.
 Corbett, Colonel
 Corry, hon. H. W. L.
 Corry, J. P.
 Cotton, Alderman
 Crichton, Viscount
 Cross, rt. hon. R. A.
 Cubitt, G.
 Cuninghame, Sir W.
 Cust, H. C.
 Dalkeith, Earl of
 Dalrymple, C.
 Denison, W. E.
 Disraeli, rt. hon. B.
 Douglas, Sir G.
 Dowdeswell, W. E.
 Downing, M^cC.
 Dunbar, J.
 Dyott, Colonel R.
 Edmonstone, Admiral
 Sir W.
 Egerton, hon. A. F.
 Egerton, Sir P. G.
 Egerton, hon. W.
 Elliot, G.
 Elphinstone, Sir J. D. H.
 Emlyn, Viscount
 Ennis, N.
 Errington, G.
 Easington, Lord
 Estcourt, G. B.
 Ewing, A. O.
 Fay, C. J.
 Fellowes, E.
 Fielden, J.
 Finch, G. H.
 FitzGerald, rt. hn. Sir S.
 Fitzwilliam, hon. C.
 W. W.
 Folkestone, Viscount
 Forester, rt. hon. Gen.
 Forsyth, W.
 Freshfield, C. K.
 Gallwey, Sir W. P.
 Galway, Viscount
 Gardner, J. T. Agg-
 Gardner, R. Richard-
 son-
 Garnier, J. C.

Gilpin, Colonel
 Goddard, A. L.
 Goldney, G.
 Gordon, rt. hon. E. S.
 Gore, J. R. O.
 Gore, W. R. O.
 Grantham, W.
 Greenall, G.
 Greene, E.
 Gregory, G. B.
 Guinness, Sir A.
 Gurney, rt. hon. R.
 Hall, A. W.
 Halsey, T. F.
 Hamilton, Lord C. J.
 Hamilton, I. T.
 Hamilton, Lord G.
 Hamilton, Marquis of
 Hamilton, hon. R. B.
 Hamond, C. F.
 Hanbury, R. W.
 Hankey, T.
 Hardcastle, E.
 Hardy, rt. hon. G.
 Hardy, J. S.
 Harvey, Sir R. B.
 Hay, rt. hn. Sir J. C. D.
 Heath, R.
 Henley, rt. hon. J. W.
 Hermon, E.
 Hervey, Lord F.
 Heygate, W. U.
 Hick, J.
 Hill, A. S.
 Hogg, Sir J. M.
 Holford, J. P. G.
 Holker, J.
 Holmesdale, Viscount
 Holt, J. M.
 Home, Captain
 Hood, Captain hon. A.
 W. A. N.
 Hope, A. J. B. B.
 Hubbard, E.
 Huddleston, J. W.
 Hunt, rt. hon. G. W.
 Isaac, S.
 Jervis, Colonel
 Johnson, J. G.
 Johnstone, H.
 Jones, J.
 Karslake, Sir J.
 Kavanagh, A. MacM.
 Kennaway, Sir J. H.
 Knight, F. W.
 Knightley, Sir R.
 Knowles, T.
 Lacon, Sir E. H. K.
 Learmonth, A.
 Leatham, E. A.
 Lee, Major V.
 Legh, W. J.
 Leigh, Lt.-Col. E.
 Lennox, Lord H. G.
 Leslie, J.
 Lewis, O. E.
 Lewis, O.
 Lindsay, Col. R. L.
 Lloyd, S.
 Lloyd, T. E.
 Locke, J.
 Lopes, Sir M.
 Macartney, J. W. E.

Mahon, Viscount
 Majendie, L. A.
 Makins, Colonel
 Malcolm, J. W.
 Manners, rt. hn. Lord
 March, Earl of
 Marten, A. G.
 Martin, P.
 Meldon, C. H.
 Mellor, T. W.
 Mills, A.
 Mills, Sir C. H.
 Monckton, hon. G.
 Monk, C. J.
 Montgomerie, R.
 Montgomery, Sir G. G.
 Moore, A.
 Morgan, hon. F.
 Morgan, hon. Major
 Morris, G.
 Mowbray, rt. hn. J. E.
 Mulholland, J.
 Muncester, Lord
 Naghten, A. R.
 Neville-Grenville, R.
 Newdegate, C. N.
 Newport, Viscount
 Noel, rt. hon. G. J.
 Nolan, Captain
 North, Colonel
 Northcote, rt. hon. Sir
 S. H.
 O'Callaghan, hon. W.
 O'Clery, K.
 O'Connor, D. M.
 O'Connor Don, The
 O'Gorman, P.
 O'Loughlin, rt. hon. Sir
 C. M.
 O'Neill, hon. E.
 Onslow, D.
 O'Shaughnessy, R.
 Palk, Sir L.
 Parker, Lt. Col. W.
 Pateshall, E.
 Peek, Sir H. W.
 Pell, A.
 Pelly, Sir H. C.
 Pemberton, E. L.
 Peplow, Major
 Perceval, C. G.
 Percy, Earl
 Phipps, P.
 Pim, Captain B.
 Plunket, hon. D. R.
 Plunkett, hon. R.
 Portman, hn. W. H. B.
 Powell, W.
 Power, J. O'C.
 Praed, H. B.
 Price, Captain
 Puleston, J. H.
 Raikes, H. C.
 Read, C. S.
 Rendlesham, Lord
 Repton, G. W.
 Richardson, T.
 Ritchie, C. T.
 Round, J.
 Russell, Sir C.
 Ryder, G. R.
 Sackville, S. G. S.
 Salt, T.

Sanderson, T. K.	Talbot, J. G.
Sandford, G. M. W.	Taylor, rt. hon. Col.
Sandon, Viscount	Temple, rt. hon. W.
Sclater-Booth, rt. hon. G.	Cowper-
Scott, Lord H.	Thynne, Lord H. F.
Scott, M. D.	Tollemache, W. F.
Scourfield, J. H.	Torr, J.
Selwin - Ibbetson, Sir	Tremayne, J.
H. J.	Trevor, Lord A. E. Hill-
Shute, General	Turner, C.
Sidebottom, T. H.	Turnor, E.
Simonds, W. B.	Vance, J.
Sinclair, Sir J. G. T.	Verner, E. W.
Smith, A.	Walker, T. E.
Smith, S. G.	Walpole, hon. F.
Smith, W. H.	Walpole, rt. hon. S.
Smyth, P. J.	Walsh, hon. A.
Smollett, P. B.	Waterhouse, S.
Somersct, Lord H. R. C.	Watney, J.
Spinks, Mr. Serjeant	Welby, W. E.
Stanford, V. F. Benett-	Wellesley, Captain
Stanhope, hon. E.	Wells, E.
Stanhope, W. T. W. S.	Wethered, T. O.
Stanley, hon. F.	Whitelaw, A.
Starkey, L. R.	Williams, Sir F. M.
Starkie, J. P. C.	Wilmot, Sir H.
Steele, L.	Wilmot, Sir J. E.
Stewart, M. J.	Wolff, Sir H. D.
Storer, G.	Woodd, B. T.
Sturt, H. G.	Yarmouth, Earl of
Swanston, A.	Yorke, J. R.
Sykes, C.	TELLERS.
Synan, E. J.	Dyke, W. H.
Talbot, C. R. M.	Winn, R.

CORONERS (IRELAND) BILL.—[BILL 49.]

(Mr. Vance, Sir John Gray, Mr. Downing.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
 "That the Bill be now read a second
 time."—(Mr. Vance.)

THE ATTORNEY GENERAL FOR
 IRELAND (Dr. BAILEY) said, he would
 assent to the second reading, on the
 understanding that the Bill should go
 no further. The question was one which
 demanded, and should receive, the atten-
 tion of the Government in the Recess.

Motion agreed to.

Bill read a second time, and committed
 for Wednesday 22nd July.

LABOURERS' AND ARTIZANS' DWEL-
LINGS BILL.—[BILL 144.]

(Sir Percy Burrell, Mr. Cunliffe Brooks.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
 "That the Bill be now read a second
 time."—(Sir Percy Burrell.)

THE CHANCELLOR OF THE EXCHE-
 QUER, in moving that the Bill be read

a second time that day three months,
 said, he felt bound to oppose the Bill,
 and to take the opportunity of depre-
 cating the habit on the part of private
 Members of introducing Bills of this
 character, which very nearly went the
 length of proposing Votes of public
 money. The Bill proposed that, for the
 purpose of facilitating the erection of
 better dwellings, a very desirable object
 in itself, public money should be lent at
 a low rate of interest. The Public
 Works Loan Commissioners felt them-
 selves very much embarrassed by pro-
 posals of this kind, which ought to be
 made in Bills promoted by the Govern-
 ment, and not by private Members, and
 for that reason he moved the rejection
 of the Bill.

Amendment proposed, to leave out
 the word "now," and at the end of the
 Question to add the words "upon this
 day three months."—(Mr. Chancellor of
 the Exchequer.)

Question, "That the word 'now'
 stand part of the Question," put, and
 negatived.

Words added.

Main Question, as amended, put, and
 agreed to.

Second Reading put off for three
 months.

BOSTON ELECTION.

Copy ordered, "of the Shorthand Writer's
 Notes of the Evidence taken at the Trial of the
 Boston Election Petition and of the Special
 Case and also of the Judgment of each of the
 three Judges, viz. Lord Coleridge, Mr. Justice
 Brett, and Mr. Justice Grove, in the matter of
 the said Petition."—(Sir Edward Watkin.)

TURNPIKE ACTS CONTINUANCE BILL.

On Motion of Mr. CLARE READ, Bill to con-
 tinue certain Turnpike Acts in Great Britain,
 and to repeal certain other Turnpike Acts; and
 for other purposes connected therewith, ordered
 to be brought in by Mr. CLARE READ and Mr.
 SCLATER-BOOTH.

Bill presented, and read the first time. [Bill 186.]

APOTHECARIES LICENCES BILL.

Select Committee nominated:—Mr. ERRING-
 TON, Sir MICHAEL HICKS-BEACH, Sir JOHN
 GRAY, Mr. CORRY, Dr. CAMERON, Mr. ION
 HAMILTON, Dr. O'LEARY, Mr. BRUEN, Mr.
 SHEIL, Mr. LESLIE, and Mr. CHAINE:—Power
 to send for persons, papers, and records; Five
 to be the quorum.

House adjourned at ten minutes
 before Six o'clock.

HOUSE OF LORDS,

Thursday, 2nd July, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Civil Bill Courts (Ireland) * (146); Statute Law Revision (No. 2) * (147).
Second Reading—Leases and Sales of Settled Estates (93); Conjugal Rights (Scotland) Act Amendment (126).
 Committee—Alkali Act (1863) Amendment (115).
 Report—Drainage and Improvement of Lands (Ireland) Act (1863) Amendment * (133).
Third Reading—Local Government Board's Provisional Orders Confirmation (No. 4) * (97).
 Withdrawn—Cruelty to Animals Law Amendment (137).

LEASES AND SALES OF SETTLED ESTATES BILL.

(The Lord Chelmsford.)

(NO. 93.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD CHELMSFORD, in moving that the Bill be now read the second time, said, that the object of the measure, which had come up from the Commons, was to remove restrictions in the way of the exercise of a very useful jurisdiction conferred on the Court of Chancery by the Act of 1856. Before the passing of that Act, persons in possession of settled estates were obliged to come to Parliament for a Private Act before they could deal with them. The Act conferred power on the Court of Chancery to authorize leases and sales of such estates under certain conditions. But there was this great drawback on the utility of that statute, that it required that the consent of "all parties" interested under the settlement should be obtained before the required powers should be granted. The result had been great inconvenience in many cases, owing to the factious opposition raised by some parties whose consent was requisite. This Bill proposed to authorize the Court of Chancery to dispense with the concurrence or consent of any such persons as were by the Act of 1856 required to concur in, or consent to, any application for the exercise of the powers of the Act.

Moved, "That the Bill be now read 2^d."—(The Lord Chelmsford.)

THE MARQUESS OF BATH said, it seemed to him that the Bill was simply

a solicitor's Bill altering the general law of the country and attacking the sanctity of settlements for the convenience of a very few individuals who found themselves inconvenienced by some special circumstances. He would therefore move that the Bill be read a second time the day three months.

An Amendment *moved*, to leave out ("now") and insert ("this day three months.")—(The Marquess of Bath.)

THE LORD CHANCELLOR said, he had no difficulty in approving the object of the Bill so far as it confined itself to the repeal of those clauses of the Bill of 1856 which related to consents. That Act simply conferred on the Court of Chancery jurisdiction to introduce a power which ought to be contained in every well-drawn settlement—namely, the power of sale and exchange and granting leases. So far, therefore, there was no invasion of the sanctity of settlement. But what had happened under the provisions of the Act which required the consent of all parties? Why, every one having any interest under the settlement, whether that interest was large or small, distant or proximate, certain or doubtful, had the right to step in and prevent the action of the Court. Accordingly, persons whose interests were minute and fragmentary, and to whom no injury could by possibility be done by the lease or sale, being armed with the power given them by that Act, used it for the purpose of preventing the action of the Court where it would have been beneficial, their object being to make bargains and extort money—he did not think the working of a useful Act of Parliament should be impeded in that way, and therefore he regarded the object of this Bill as a beneficial one. He thought, however, that the Bill as drawn was too sweeping in its terms. He would point out in Committee some Amendments which he thought necessary. He would suggest, for instance, that a clause should be introduced to require the Court not only to serve notice upon every one interested, but also to require of each of them a statement as to whether he assented or dissented, or whether he submitted his rights to the Court. A clause might also be introduced providing that the Court, in considering whether it should act, should have regard to the number of assents

and dissents respectively, and to the amount of the interests of those persons who did not consent. But he would not place any impediment in the way of the Bill.

LORD CHELMSFORD said, he had laid the Bill on their Lordships' Table in the same shape as that in which it had come up from the other House; but he partly concurred with his noble and learned Friend on the Woolsack, and would introduce the Amendment his noble and learned Friend had suggested.

Amendment (by leave of the House) withdrawn: Then the Original Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Monday next.

CRUELTY TO ANIMALS LAW AMENDMENT BILL—(No. 137.)

(The Earl of Harrowby.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF HARROWBY, in moving that the Bill be now read the second time, said, the object of the measure was to extend the provisions of the 12 & 13 Vict. c. 92—the well-known Act for the Prevention of Cruelty to Animals—to all animals, wild as well as domestic. The more humane spirit of modern times had put an end to numerous brutal sports in which our ancestors had taken delight—such as bull-baiting, badger-drawing, and cock-fighting; and Acts had been passed by which domestic animals had been placed under the protection of the law. Still, however, there was a great deal of cruelty perpetrated upon animals which did not come within that description, and it was the object of this Bill to extend to wild animals the same protection that was given to domesticated animals. Surely, the very same motives which induced us to interfere in the case of the latter were of equal force in reference to the former. The Bill did not apply to the necessary acts done in fishing, hunting, shooting, or other sports—the habits of sport were too intimately connected with manly exercise to make it practicable to include them in this legislation—nor did it apply to the destruction of vermin. Those words also of the 1st clause which made applicable to wild, equally with domestic animals, the 29th clause of the

principal Bill, would have to be considered in Committee. The legislation he now proposed was not only in accordance with the more enlightened temper of the times, but was also in accordance with the feeling of the people of the United States and of the Continental nations, who, having followed the example of this country in giving protection to domestic animals, had now generally extended it to all dumb animals. He hoped their Lordships would give their consent to this Bill.

Moved, "That the Bill be now read 2^a."
—(The Earl of Harrowby.)

VISCOUNT PORTMAN, in moving that the Bill be read a second time that day three months, said, he sympathized most entirely with his noble Friend who had introduced the Bill, and his supporters, in the desire to put an end, by every possible means, to cruelty to animals. It was to the Bill and not to its objects he objected. The Bill was one of the most extraordinary ever laid on the Table of their Lordships' House. It was a worthy companion of the Wild Birds' Bill, which they had before them the other night which he had persuaded the House to reject. The first enacting clause was to the effect that, from and after the passing of the Act, the provisions of the 29th clause of the original Act should be applicable to wild as well as to domestic animals.

THE EARL OF HARROWBY intimated that he intended to withdraw the clause and substitute another for it.

VISCOUNT PORTMAN said, that he must take the Bill as he found it, and so consider it. The 29th clause was the Interpretation Clause of the Act. It stated that a "Justice" should be taken to mean "a justice of the peace." If this Bill passed, was it to be taken to mean "a wild justice of the peace." The next definition in the 29th section of the Act was that of "constable." Was it to be "wild constable" under the Bill? Then came a list of the domestic animals, which included bulls, cows, asses, &c., and in this Bill they had only to deal with the animals named in the 29th clause of the Act, so that any other animals of the animal kingdom, so called, were not included, for the 1st clause did not say all animals but all the provisions of the 29th clause, and in the interpreta-

tion of statutes it must be limited to subjects *ejusdem generis*. There might be wild original cats; but the only other wild animals, as named in the Act, that he knew of in England, were the wild cattle in Chillingham Park. Then consider Clause 2. Look at the word "treatment." What was it? It was not cruelty in the abstract or in the view of the sensitive, but it was the cruelty defined in the clause of the Act. How, then, could it apply to fishing? Then, as to hunting, ferriting rats or rabbits or the destruction of vermin. Why were they to be exempted from the definition of cruelty? If cruelty under the Act was practised, surely such cruelty should be as much punished in such matters as in any others. The Act already provided for cruelty to badgers and such like in a separate clause. As one who had enjoyed the sports of the field all his life, he denied that they involved any such cruelty as was contemplated by the Act of Parliament, and he regarded the exemptions in the Bill as an insult to sportsmen. If any new law was wanted, which was very doubtful, let his noble Friend bring in a well-considered and well-digested measure, and it should have his support.

An Amendment moved to leave out ("now") and insert ("this day three months.")—(*The Viscount Portman*.)

THE EARL OF HARROWBY was understood to say that "fish" were undoubtedly included in "animals." If his noble Friend repudiated the exemption of field sports, the second clause could be struck out in Committee.

THE DUKE OF RICHMOND said, he understood the position of the matter to be, that the noble Viscount (Viscount Portman) objected to Clause 1, because it gave a false notion of what was really meant to be done; and his noble Friend who had introduced the Bill (the Earl of Harrowby) had expressed his intention to withdraw it; and, consequently, the first thing which they would have to do in Committee would be to erase the clause. Then his noble Friend now proposed to strike out Clause 2, exempting field sports. When that was done, very little more would be left of the Bill than its Preamble. He would, therefore, suggest to his noble Friend that, as their Lordships were all agreed that cruelty to animals—wild as well as tame

—should be put down, he had better withdraw the Bill, and re-introduce it in a form which would deal with the matter more thoroughly and practically.

THE BISHOP OF GLOUCESTER AND BRISTOL said, the Bill had been drawn by a Gentleman whose name, were it known, would command universal respect. But the simple question before the House was, whether their Lordships were prepared to extend that protection which was already given to domesticated animals to all animals whatsoever. There had been a large amount of small criticism on the two clauses of which the Bill consisted. The promoters of the Bill had thought it would be more convenient that the word "animals," restricted in its meaning by the Interpretation Clause of the original Act, should be extended to all "animals." The word included every living creature; it included "fish" equally with the noble Viscount and the noble Earl. The question submitted to their Lordships by the Bill was no other than this—whether or not the Legislature would extend the protection of the law to all God's creatures—to the fish of the sea, to the fowl of the air, and to every living thing that moveth upon the earth, over whom God had given man the dominion? Was it fitting that England, which had been the first to legislate upon this Christian principle, should now stop short, and be content to fall behind Prussia, Saxony, the Cantons of Switzerland, and the United States, where all animals were protected by legislation against the cruelty of man? If the noble Viscount (Viscount Portman) thought that the exemption of acts done in pursuit of sport should not be excepted from the Act, he could move to strike out the clause in Committee. As the law at present stood, frightful acts of cruelty were committed which the magistrates were unable to punish. He had recently received information of a case in which a man was charged before a magistrate with having hung living rats before a fire to roast them, yet the offender who was guilty of that most frightful sin had to be discharged, because, although he had trapped the rats and had had them some time in his possession before he roasted them, yet they could not be regarded as domestic animals. All that the magistrate could do was to express great indignation that such a cruelty should be allowed to re-

Viscount Portman

main without punishment in this civilized country. There had been great difficulty in convicting a man who had been guilty of the common practice of putting out a chaffinch's eyes, in order to make it sing better. It was clear that something should be done to remove the doubt whether these poor captive creatures should be considered animals, and entitled to the protection of the law. He earnestly asked their Lordships to give the Bill a second reading, and to aid the promoters of it in amending its provisions in Committee.

THE LORD CHANCELLOR said, it was not with any disposition to smile at this proposed legislation that he rose to make a few observations upon the Bill; but he desired to ask what it was the Bill was intended to do? The one enacting clause proposed to extend the existing law to wild animals. But had his noble Friends who supported the Bill looked at the provisions of the Act now in force? That Act contained numerous provisions, relating, amongst other things, to the conveyance of animals by railway, the slaughtering of animals, and the registration of all animals which were kept in certain places; and there were Schedules to be filled up with descriptions of such animals, their age, sex, and so forth; and this Bill proposed to extend that law to wild animals of every description. The Act contained a reference to a "pound," or receptacle "of the like nature," for animals. Now, he had some idea of what a "pound" was, but not of a receptacle "of the like nature." He was told that the term would include a space of ground surrounded by an enclosure, and in which rats or rabbits were hunted. It was also said that any person who kept animals in these places without sufficient food and water should be liable to penalties, and if for 12 hours they were without those things another person might supply them and recover the value thereof from the person impounding the animals. That might produce results of a very singular description. The terms of the Act of 1849 were, for the most part, inapplicable to wild animals. Now, if they took from the Act the few words which were applicable to wild animals, and enacted that any torturing of those animals should be liable to punishment, that might be sufficient. Then, to omit all reference to chasing, hunting, shooting, and fishing would be

tantamount to saying that, in some respects, torturing wild animals would be permitted. He would suggest the withdrawal of the Bill for the present, and that another Bill should be introduced which should simply apply to the torturing of wild animals, and he would recommend the use of the words to be found in the Act now in operation.

THE MARQUESS OF BATH pointed out that under the Act in force there was a provision under which a penalty of £5 was imposed for "torturing." If they passed this Bill it would, in effect, extend the game laws. It would be difficult to define the meaning of the word "vermin." He had heard pheasants and partridges called vermin, and gardeners called thrushes, and farmers called sparrows, vermin; but what would be vermin under this Bill?

EARL GRANVILLE said, he thought the noble Earl would act wisely in following the advice of the noble and learned Lord, and withdraw the Bill. At the same time, he hoped the promoters, after this discussion, would endeavour to frame another which would meet with more success.

THE EARL OF HARROWBY proposed, after what had taken place, to withdraw the Bill.

LORD DENMAN said, that it was the part of a good Judge to enlarge rather than narrow his jurisdiction, and thought as the 3rd section of the Act applied to baiting animals of a wild as well as of a domestic nature, magistrates need not have scrupled to convict those who tortured such animals, although of a wild nature, as were completely in the power of those who subjected them to agonies from which they could not escape. If once wild, they were thoroughly reclaimed, and ought to be under the protection of the law till an amended Act should be passed.

The said Amendment (by leave of the House) *withdrawn*; then the original Motion and Bill (by leave of the House) *withdrawn*.

CONJUGAL RIGHTS (SCOTLAND) ACT AMENDMENT BILL—(No. 126.)

(The Earl of Aberdeen.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF ABERDEEN, in moving that the Bill be now read the second time, said, its object was to afford additional legal protection to women whose husbands had deserted them, so that their after-acquired property should be secured to them; and this he thought the Bill did in a very simple and effectual manner. He was sorry to say that the instances in which wives were deserted by their husbands in Scotland were much more numerous than might be supposed; and to show the hardships to which women who had been so deserted were subjected, he might mention that in one particular case a woman who had carried on a small business after she had been deserted by her husband, having unfortunately lost her house by fire, the husband returned and claimed and obtained the whole of the insurance money, and this reduced her again to poverty. As the law at present stood, there was no redress in such cases except by means of an application to the Court of Session, and that was a process which was too expensive to be made use of by the poorer class of people. The Bill gave power to the Sheriff to adjudicate in such cases, and thus it would provide a simple and effective remedy in all such cases. The noble Earl concluded by moving the second reading of the Bill.

Motion agreed to; Bill read 2^d accordingly and committed to a Committee of the Whole House To-morrow.

ALKALI ACT (1863) AMENDMENT

BILL—(No. 115.)

(The Lord Walsingham.)

COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 5 agreed to, with Amendments.

THE EARL OF RAVENSWORTH moved to insert after Clause 5 the following clause:—

"If any person considers that any alkali work is carried on in contravention of the Alkali Acts of 1863 and 1874, or either of them, and that he is injuriously affected thereby, he may present to the Local Government Board a memorial in writing complaining thereof, and thereupon the Local Government Board, unless there appears to them good reason to the contrary, shall direct the Inspector to make a special examination of and report on the work, and if it appears to the Local Government Board on the

report that there is reasonable ground for the complaint, they shall direct the Inspector to take, and the Inspector shall thereupon take, proceedings for the recovery of a penalty accordingly."

He thought this provision would give further protection against the injury which persons who resided in the neighbourhood of alkali works now suffered. It in no degree interfered with the principle of the Act of 1863, and he was afraid that without it the Act would not be put in force at all. Practically the Act of 1863 was a dead letter, because the parties most interested were unable, and in many cases unwilling, to put it in motion themselves.

LORD WALSHINGHAM said, he quite agreed that it was desirable to make the Bill as effective as possible, and that pains should be taken to see that the remedies given to prevent the serious nuisance complained of should be made as effective as possible. He had no doubt that there had been a great escape of these noxious gases in contravention of the Act; some of which were preventable, though others might be due to accidental circumstances. But he considered that the clause proposed by the noble Earl was unnecessary, and that it was in some respects objectionable. It was unnecessary, because at the present time if any person felt aggrieved, he could, under the Act of 1863, make a complaint to the Local Government Board, and request that an Inspector should make an examination of the works and report the facts to the Board. If it were made compulsory upon the Board to take action against any owner of works, that would imply that there was a want of energy in the Department, and to that implication he took exception as the Local Government Board was at present constituted. The action of the Board should not be made subject to the dictation of private individuals. Moreover, it seemed to him that the clause would be utterly useless. Suppose a case should be brought before the Local Government Board. They would naturally enquire of their Inspector, whether there was any just cause of complaint—he would not be willing to admit that any illegal nuisance had escaped his notice; but if he did admit it, and a special Inspector was sent down, the managers of the works would have had ample notice during

these preliminary proceedings, and would take care that, at least, on the occasion of this special inspection, nothing was going on in contravention of the Act. He hoped the noble Earl would not press the clause.

LORD EGERTON OF TATTON contended that there ought to be more Inspectors and more frequent inspections, and that the law should be made in many respects more stringent, for at present it was almost a dead letter. The alkali works had largely increased in numbers, and the staff of Inspectors which was sufficient when the Act was passed was quite inadequate now. In that part of the county in which he lived, these alkali works were carried on very extensively, but the parties most usually affected by them were too poor to go to law.

LORD WINMARLEIGH felt bound to state that the Act of 1863 did not meet the requirements of the case, so far at least as some districts in which these works were carried on were concerned; for though the Act had now been in operation for about 10 years the evils complained of had gone on extending from year to year, until a portion of that part of the country with which he was connected had been devastated by these noxious gases. The difficulties in the way of proceeding under the Act were, he believed, the main cause—the Act had in truth become a perfect nullity. He believed that the Amendment proposed by the noble Earl would at least tend to force upon the Inspectors a greater attention to the duties imposed upon them by the Act. He had no complaint to make against them; but if the clause should be agreed to, and it became known that parties aggrieved could come before the Local Government Board for redress, it would have a great effect in checking this nuisance. He thought that the attention of the Government could not be directed to any subject of greater importance than this, because if the evil went on very serious consequences must ensue to a large portion of that part of the county with which he was connected.

THE DUKE OF RICHMOND said, that no noble Lords were more competent to speak from personal knowledge of the subject than his noble Friends who had just spoken—the noble Earl who had moved the clause (the Earl of Ravens-

worth) and the two noble Lords who were connected with Cheshire and Lancashire; but he wished to point out that the clause was unnecessary, and would fail to accomplish the object for which it was intended. So far as it proposed to give to the Local Government Board more powers than it now possessed, it was no doubt advantageous; but he wished to know how, if the clause should become part and parcel of the Act, a jury would be in a better position for awarding compensation for injuries suffered from the operation of these works than at present?

LORD WINMARLEIGH: The probability would be that the parties would not have to go before a jury at all.

THE DUKE OF RICHMOND: There was nothing in the clause to lead to that supposition. At present, if the Local Government Board thought it expedient, it might take proceedings in any matter of complaint, and every man aggrieved could now come to the Board and point out in what respect he suffered from any works. His noble Friend who was connected with Cheshire (Lord Egerton of Tatton) said there were not enough Inspectors; but this clause would not help him; for it did not deal with that subject at all. Moreover, it implied a slur upon the Board—and that he objected to—it implied that supervision was not properly carried out, and that it should be put into an Act of Parliament that the Inspectors should do their duty. He did not think that the clause would in any way be beneficial, and therefore he hoped his noble Friend would not press it on their Lordships.

THE EARL OF RAVENSWORTH said, he would not press his Amendment against the wish of the Government, but at the same time, he knew that much importance was attached to it by the parties who were suffering damage from these works. They required more power to make their grievances known to the Government. The clause would give them greater protection, and at the same time it in no degree interfered with the principle of the Act of 1863. He had hoped that the Government would have accepted the clause, as it would have given the sufferers from these works more power to make their complaints known to the Local Government Board; but he could not press it if the Government thought it objectionable. At the

same time, he might express a hope that the Local Government Board would pay more particular attention to the enforcement of the Act than they had hitherto done.

LORD DENMAN, having been in every county in England, referred to the state of South Shields, in which vegetation was quite destroyed, and to Liverpool, where a Judge had been made ill, on circuit, and the air in the Judge's Lodgings was insupportably bad. He wished for prevention rather than damages, and would support the noble Lord's Amendment if it were pressed.

LORD WALSINGHAM admitted that the clause of his noble Friend did not affect the principle of the Bill. The Department which he represented would see that more care was taken in this matter than had formerly been taken. He hoped the new Act would be more effective than the old one in diminishing these noxious vapours.

Amendment (by leave of the Committee) *withdrawn*.

Clauses 7, 8, and 9 agreed to.

THE DUKE OF BUCCLEUCH moved to add a proviso, giving the Small Debt Court the summary jurisdiction and the Sheriff Court summary jurisdiction on matters of complaint under this Act, for the purpose of giving a cheap and efficacious remedy to the poorer classes of persons who might be injured by noxious gases proceeding from alkali works. The noble Duke mentioned in illustration that in the neighbourhood of Glasgow there was a cemetery situated near some extensive alkali works, in which the trees planted for ornament, and the shrubs placed on the family graves were blasted and withered by the noxious vapours almost as soon as they were planted. Of course the poor people to whom they belonged could not venture to bring any action against the alkali works company, because they knew very well that they would be forced into ruinous expense. If, however, they could bring an action in the Sheriff Court or the Small Debt Court, and it was enacted that it should be disposed of without appeal, they would have a speedy and cheap remedy for the injury inflicted upon them.

LORD WALSINGHAM said, he could not consent to the addition proposed to

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be made to the clause by the noble Duke, because, in the first place, it would be somewhat of a breach of faith on the manufacturers, who had consented to be put under statutory penalties and liabilities, but had not consented that the common law should be made more stringent upon them—which would be the effect of this proviso. This was the first occasion upon which the point had ever been brought forward. There might be many cases which would involve points which had never come before the Court before—for instance, whether certain things were or were not an infringement of the Act, for which damages might be given; and on such points as that the manufacturers would have as much right to appeal as any other portion of Her Majesty's subjects. He was at a loss to know on what ground they were to make the common law more stringent than it was at present. There was another reason why he could not admit the Amendment—because it would create a distinction between the administration of the law in Scotland as compared with its administration in England and Ireland; and if they withdrew the right of appeal from Scotland in such cases, there would soon be a demand for its withdrawal from the English and Irish Courts. Moreover, it would create an invidious distinction between manufacturers and other classes of the population.

THE DUKE OF BUCCLEUCH said, he was sorry that the decision of the Government was adverse, but he rather thought that if people restricted the damages within the amount that could be tried within the Small Debts Court it would effect the same object. He was not quite certain upon that point, but of this he was sure, that it was desirable to give the people injured by these noxious exhalations a cheap and effectual remedy.

Amendment (by leave of the Committee) *withdrawn*.

The Report of the Amendments to be received *To-morrow*.

EDUCATION—EFFECT OF SCHOOL LIFE ON THE SIGHT.

QUESTION.

LORD MONTEAGLE OF BRANDON rose to ask the Lord President, Whether

his attention had been called to the effect of school life in developing short sight, and whether anything could be done to avert the evil? He said that the prevalence of short sight in Germany, where education had been compulsory for a long time, had recently attracted serious attention, and it was found on investigation that the percentages of children afflicted with short sight ranged between 1 and 2 in rural and primary schools, between 3 and 9 in urban schools, between 9 and 44 in normal schools, between 12 and 55 in secondary schools, and equally high among the small numbers who attended the upper schools and Universities. The causes were found to be the unnatural positions which children were induced to assume, from the inconvenient forms of desks and seats, and the defective lighting of rooms; and steps were now being taken to remedy and avert the evil in Germany, Sweden, Denmark, Switzerland, and America. Now, that elementary schools were becoming universal in this country, he apprehended a similar evil, if we did not pay proper attention to the lighting of schoolrooms and to their furniture.

THE DUKE OF RICHMOND said, that nothing could be more important than the preservation of the powers of sight among our working population; but since he had had the honour to hold his present office, nothing had been laid before the Department that could lead them to suppose that any deterioration of sight had been observed among the children that attended the board schools. If the noble Lord would send them any information he possessed, it should be studied, and if he would supply a model seat and desk they should be exhibited at South Kensington; but, if mistakes had been committed in the schools already built and furnished, it was rather late to correct them, especially in the matter of lighting, which depended to a great extent upon the site chosen for a school. If the regulations of the Department in any way tended to promote the dreaded evil, the Department would gladly correct them, and generally call attention to the subject.

LORD MONTEAGLE OF BRANDON said, he had not meant to give the impression that prevailed at present, but thought there was great danger that it would prevail if they stimulated educational efforts and compulsory education.

THE DUKE OF RICHMOND said, that the question had never been brought to the attention of the Educational Department; and, according to the admission of the noble Lord, it was rather what he anticipated or dreaded would ensue in consequence of the development of elementary education throughout the country. It would be much to be regretted if one of the results of the spread of education should be the prevalence of short-sight. He was unacquainted with the statistics quoted by the noble Lord, but should take care that if those statistics were sent to the Department, they should have its attention. With respect to the question of light, the board schools were provided as well as they could be under existing circumstances; but the noble Lord must remember that they were obliged to get sites to build schools where they could, in populous places, and this question of light was very often a matter of compromise. The Inspectors would take care that the board schools were not injurious to health in any respect, whether from bad drainage, ventilation, or want of light.

STATUTE LAW REVISION (NO. 2) BILL [H.L.]

A Bill for further promoting the revision of the Statute Law by repealing certain enactments which have ceased to be in force or have become unnecessary — Was presented by The LORD CHANCELLOR; read 1st. (No. 147.)

House adjourned at half past Seven
o'clock, 'till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 2nd July, 1874.

MINUTES.]—NEW MEMBER SWORN—Michael Francis Ward, esquire, for Galway Borough.

PUBLIC BILLS—Ordered—*First Reading*—Endowed Schools' Acts Amendment* [187]; Commissioners of Works and Public Buildings* [188].

Second Reading—Customs (Isle of Man)* [178]; Revising Barristers (Payment)* [127].
Committee—*Report*—Statute Law Revision* [163]; Chain Cables and Anchors (*re-comm.*)* [184].

Report—Shannon Navigation* [157-189].

Third Reading—Gas and Water Orders Confirmation* [158].

Withdrawn—Game Laws Abolition* [36].

ARMY—OFFICERS ON FOREIGN SERVICE.—QUESTION.

COLONEL NORTH asked the Secretary of State for War, Whether an Officer who has joined the Service since the abolition of purchase is obliged to defray the passage of his successor in the event of his leaving the Army when on Foreign Service; if so, how is the money recovered from him?

MR. GATHORNE HARDY, in reply, said, such an officer, if he was permitted to retire from the Army when on foreign service, would not be charged with the passage of his successor unless he were on leave, and had signed the certificate prescribed by Sec. 13, par. 19, Queen's Regulations, 1873.

METROPOLIS—HIGH TIDES ON THE THAMES.—QUESTION.

SIR CHARLES RUSSELL asked the Surveyor-General of the Ordnance, If steps are being taken to prevent the damage which would arise to a large quantity of Government Stores at Pimlico if another high tide were to rise one or two inches more than was the case on the 20th March last?

LORD EUSTACE CECIL, in reply, said, that steps were now under consideration for permanently securing that portion of the Government Stores which was most exposed. He was credibly informed by those best acquainted with the subject that the measures adopted before the high tide of the 20th March last, although temporary, would have been entirely successful in securing the object for which they were intended.

ARMY—MILITIA SERVICE ACT (1873)—BOUNTIES.—QUESTION.

VISCOUNT EMLYN asked the Secretary of State for War, Whether any complaints have been received through the Inspecting Officers of Militia Regiments as to the proportion of bounty money now paid to recruits under the Militia Service Act of 1873; and whether it is the intention of Her Majesty's Government to alter the regulations now in force respecting the payment of such bounty?

MR. GATHORNE HARDY, in reply, said, that there had been a great many complaints on the subject referred to in the Question of his noble Friend; in

fact, the re-enrolments had been very small in proportion to their usual number. It was not intended, however, to take any steps in reference to the matter until the trainings were over and the regular annual reports had been received.

CHINA—STATE OF WOOSUNG BAR, SHANGHAI.—QUESTION.

MR. R. REID asked the Under Secretary of State for Foreign Affairs, If his attention has been called to a telegram which appeared in the "Daily News" on Friday last, stating that the Chinese Foreign Office had finally declined to undertake the operation of dredging the Woosung Bar; and, if he will inform the House what is the latest intelligence received at the Foreign Office on the subject, and what further steps Mr. Wade has taken to induce the Chinese Government to attend to the matter?

MR. BOURKE, in reply, said, the latest intelligence received at the Foreign Office with regard to the questions referred to by the hon. Member was dated Peking, July 11, and it was not of a satisfactory character. At the same time Her Majesty's Government had no reason to think that the Chinese Government had refused to improve the Bar of the Woosung River. Under these circumstances the correspondence was still going on, and Her Majesty's Government did not yet think it necessary to decide upon what future steps they might take.

EXPLOSION AT ASTLEY DEEP PIT (DUKINFIELD).—QUESTION.

MR. SIDEBOTTOM asked the Secretary of State for the Home Department, Whether he has received the report of the inquest on the persons unfortunately killed in the explosion at the Astley Deep Pit Colliery in Dukinfield in April last; and, if so, whether Her Majesty's Government will give facilities for a discussion of the subject and of the Motion relative to Colliery Inspection of which Notice has been given?

MR. ASSHETON CROSS, in reply, said, that in accordance with a promise given, he instructed Mr. Wynne, Inspector of Mines for the district in which the colliery was situate, together with a neighbouring Inspector, to attend the

coroner's inquest, and Mr. Horatio Lloyd, a barrister of considerable experience, was also retained to watch the proceedings on behalf of the Government. The inquest had been concluded, but he had not as yet received the formal report of the coroner, nor had he had time to carefully examine the reports of all the other gentlemen he had named. He was not able, therefore, to state at present the course which Government would pursue, but he hoped to be able to do this in the course of a few days.

LOCAL TAXATION—LUNATICS— POLICE.—QUESTION.

MR. PELL asked the Secretary to the Treasury, Whether the Treasury arrangements are such as will relieve ratepayers in counties of half police pay and clothing for the whole or any portion of the half year ending September 29th, 1874, and borough ratepayers for the whole or any part of the half year ending August 31st, 1874; and, also when the Vote for the Supplementary Estimate for the Grant towards maintenance of Lunatics and the increased subvention on account of Police will be taken?

MR. W. H. SMITH, in reply, said, that the increased contributions of the Exchequer towards the cost of the pay and clothing of the Police in Counties and Boroughs would be made as from the 1st of April this year, and the Vote for the Supplementary Estimate would be taken in about three weeks or a month from the present time.

PARLIAMENT—BUSINESS OF THE HOUSE.—RESOLUTION.

MR. DISRAELI moved—

"That, whenever the House shall meet at Two of the clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April 1869."

SIR GEORGE JENKINSON asked the right hon. Gentleman the First Lord of the Treasury, Whether he could give him any assurance that an opportunity would be afforded him before it was too late in the Session for bringing forward the question of the Abolition of Turnpike Trusts?

MR. DISRAELI, in reply, said, it was already late in the Session, that no doubt the subject would maintain its interest to the last, and that he should be happy

to give the hon. Baronet a day when he could.

SIR GEORGE JENKINSON said, that being so he should raise the question by moving the following Resolution on the Motion for the Second Reading of the Turnpike Acts continuance Bill:—

"That the continued and increasing extinction of Turnpike Trusts, as contemplated by this Bill, without due provision being made by legislation for the future management and maintenance of the roads of Turnpike Trusts so abolished, so as to avoid the hardship and injustice now entailed under the present system on the ratepayers of various parishes, is inexpedient."

SIR WILLIAM HARCOURT asked the Secretary of State for the Home Department, When the promised Bill relating to the Law affecting Trades Unions was likely to be introduced?

MR. ASSHETON CROSS, in reply, said, that the Commission appointed at the beginning of the Session had not, so far as he was aware, concluded its labours, and until its Report was in his hands it was impossible for him to take any action upon it.

Motion agreed to.

PARLIAMENTARY RELATIONS (GREAT BRITAIN AND IRELAND)—HOME RULE.

MOTION FOR A COMMITTEE. ADJOURNED

DEBATE.

Order read for resuming Adjourned Debate on Question [30th June],

"That this House will immediately resolve itself into a Committee to consider the present Parliamentary relations between Great Britain and Ireland."—(*Mr. Butt.*)

Question again proposed.

Debate resumed.

MR. P. J. SMYTH asked the Speaker in what way the Motion of the hon. and learned Member for Limerick (Mr. Butt) would be put—whether the vote would be taken on the series of Resolutions, or on the Motion for going into Committee?

MR. SPEAKER said, the Question before the House—and which he would have to put—was that the House should immediately resolve itself into a Committee to consider the present Parliamentary relations between Great Britain and Ireland.

MR. MAC CARTHY: Sir, in approaching this question, I ask every hon. Gentleman who feels really into-

rested in it to lay aside those "spectacles of routine" which a great thinker says are too habitually worn in this House. I pray you to look frankly and freshly at the facts of the case; and I propose to show that the adjustment of Parliamentary relations now suggested, however opposed it may be to preconceived opinions, is, in reality, such as common sense dictates for the benefit of all concerned; that it is such as political philosophy prescribes for the state of facts with which we have to deal; that it is such as the experience of the world approves for such a state of facts; and that, so far from being injurious, it would be practically advantageous both to Great Britain and to Ireland. What are the essential facts of the case? They may be stated in a few sentences. Great Britain and Ireland are two Islands separated from the rest of the world and from each other by many miles of stormy sea. The two communities speak the same language, read the same literature, and are connected by ties of friendship, of kinship, and of association. It is clearly their interest to pull together as one Imperial State. But though the two communities are in many respects similar, they are in many other respects dissimilar. Their likings and dislikings are dissimilar. Their social conditions are dissimilar. Their predominating religions are dissimilar. Their predominating races are dissimilar. Their domestic institutions are dissimilar. The domestic arrangements which suit one do not suit the other. Moreover, both Islands have from immemorial time claimed the right to manage their own domestic affairs. This right was more or less preserved by Ireland until the year 1800, when, by means which were admittedly indefensible, the Irish Legislature was abolished. Both Islands have since been attempted to be ruled by the British Parliament, on the implied assumption that they formed only one homogeneous Kingdom, and that Ireland is merely West Britain. From some cause this attempted centralization has not worked satisfactorily for either Island. The two communities have not been fused into one, and do not seem likely to be so fused. As *The Pall Mall Gazette* once wrote, they can no more amalgamate than oil and water. As Mr. Lecky puts it, Pitt's measure cen-

Mr. MacCarthy

tralized, but did not unite, or rather by uniting the Legislatures it divided the nations. The contingent of Representatives which Ireland sends to London is necessarily divided and out-numbered. The result is that Great Britain virtually rules Ireland, nominates her administrators, and decides on every detail of her domestic life. At first she ruled very badly indeed—selfishly, ignorantly, and carelessly. Latterly she has been trying hard to rule well; but somehow she never "hits it off." You, English and Scotch Representatives are constantly complaining that you cannot understand Ireland. You are quite right. You do not understand Ireland. Your rule has been a failure. You have given us neither prosperity nor peace. Under your rule industries are dying out, manufactures falling away, agriculture deteriorating, and the population fleeing to other lands. Moreover, we Irish object to our domestic affairs being governed by another community, whether it govern well or ill, whether it be well-intentioned or ill-intentioned. The desire of national freedom, and the hope of it, have never left the Irish national heart. It occasionally rises to patriotism. It occasionally sinks to rowdiness. But it is always there—a vehement, deep-seated, wide-spread, apparently indestructible national instinct, underlying every agitation, outliving every concession, flashing in the eye and flushing in the cheek of most Irish men and women, rich and poor, Catholic and Protestant, of Celtic descent and of Saxon descent. Finally, the Imperial Parliament finds itself overwhelmed with all sorts of work, and some division of legislative labour appears indispensable if the Public Business is to be effectually done at all. Such are the essential facts of the case with which we have to deal. Now, I submit that any impartial and intelligent person, if asked to suggest a remedy for this state of things, might reasonably suggest, as a matter of common sense and common business, the very proposal which is now before the House. He might say, in effect, discontinue this unsuccessful experiment of over-centralization, which is only a recent experiment at best; seek no further to treat as absolutely homogeneous two communities which are thus geographically, socially, and historically distinct; let there be a divi-

sion of legislative labour; relieve the Imperial Parliament of the management of Irish internal affairs; let an Irish Assembly look to these; let each country manage for itself what concerns itself only; let both manage in a common Assembly what concerns both collectively. Thus healthy national aspirations will be satisfied, and the "deadlock" of Imperial business prevented. Thus will a desirable middle course be found between the separation of two countries which have so many interests in common, and the over-centralization which has been found to work so badly for both. This, Sir, I submit, is the common sense of the matter. But, though common sense counts for much, political philosophy, which ought to be the quintessence of common sense as applied to political affairs, counts for a great deal more. It is unwise to approach this question as if it were something new, as if the circumstances were unprecedented, or as if the way of dealing with such circumstances had never before been considered. I need scarcely remind you that this question is nearly "as old as the hills;" that the state of facts we have been considering is of frequent occurrence; and that the mode of dealing with it has engaged the heads of the best political thinkers from Thales to Calhoun. From the earliest civilized times until now, and now in some of the greatest countries of the world, we find communities so united by circumstances of geographical position, of race, of commercial interests and of civil institutions, that it is their interest to be joined in a common state; yet so distinct in internal structure, habitudes, and characteristics, or so separated by physical boundaries and national idiosyncracies, as to render it desirable that each should retain the management of its own domestic affairs, and impracticable to fuse them into one homogeneous community. To suit this state of facts a political system was devised 2,000 years ago, and has since been perfected by many a wise statesman in many a famous state. It is known, technically, as the composite system, or Federalism; by German writers as *Bundesstaat*. Like every political system, it suits only the state of facts for which it was devised. To apply it to any other state of facts, as was lately insanely attempted in France, is to mis-

apply it. Indeed, more than most systems, it needs caution in application. To what state of facts does it apply? Let Mr. Freeman, the distinguished historian of the system, answer; and we are the safer to take his answer, because it is given without reference to Ireland, and because his opinion would appear to be adverse to Irish claims. Mr. Freeman says:—

"The Federal system requires a sufficient degree of community in origin, or feeling, or interest to allow the members to work together up to a certain point. It requires that there should not be that perfect degree of community or rather identity, which allows the members to be fused together for all purposes. When there is no community at all Federalism is inappropriate; the cities or States had better remain wholly independent. When community rises into identity Federalism is equally inappropriate; the cities or States had better both sink into the counties of a kingdom. But in the intermediate set of circumstances . . . Federalism is the true solvent. It gives as much union as the members need, and not more than they need."

Such is the canon of fitness for Federal government which the historian of Federalism lays down; and he is in substantial accord with every great authority on the subject. But it is evident that the English language could not summarize with more neatness the very state of facts we have been considering. Ours is precisely "the intermediate set of circumstances" for which political philosophy prescribes Federalism as the "true solvent;" and Federalism is precisely what we propose for that state of facts. I submit, therefore, that it is not the Federal proposal that needs to be justified in the face of science: it is the resistance to it that needs such justification. Our present arrangement is clearly defective, inasmuch as it forces a system suitable only for one homogeneous community on two communities which are clearly not homogeneous, and because its practical result is the subjection of the domestic affairs of one distinct, idiosyncratic, and ancient community to the management of another community which, admittedly, does not understand these affairs and has not time to attend to them; which, confessedly, has failed to manage them to the satisfaction of any one concerned; and whose interference in these domestic affairs at all is notoriously at variance with the deepest national instincts of the subject people. But, what has actual historical experience to say to this system of local self-

government combined with Imperial unity? I shall not trouble the House with detailed historical retrospects. I merely remind you that this, so far from being a fanciful or new-fangled system, is one of the oldest and best settled in the world's history. It worked well in the Achaian League of early times and in the United Netherlands of the middle age. It existed for seven centuries in Switzerland. Under it the United States of America have grown from a few despised colonies into the mightiest of modern States. This system has thriven in Sweden and Norway since 1814. Austria and Hungary have recently adopted it. The new Imperial German Constitution has adopted it so far at least as to provide that the representatives of one community cannot vote in what concerns only the domestic affairs of any other community. Self-government has been reconciled with Imperial unity under the British Crown in the Channel Islands and the Isle of Man. The Imperial Parliament has adopted this as a fixed principle in dealing with all its colonies of European race. Indeed, some of the shrewdest thinkers of all countries concur with Mr. Laing in holding that the Federal system is that towards which civilized society is naturally tending all over the world. Nature forbids, says Mr. Laing, by unalterable moral differences between people and people, that one government can equally serve all. Federalism is a principle more akin to natural, free, and beneficial legislation than this forced centralization. Sir, I have shown that the Federal proposal is in accord with common sense. I have shown that it is in accord with political science. I have shown that it is in accord with historical precedent. Permit me briefly to note, in conclusion, the practical advantages which may be expected from it. One very obvious practical advantage is that it would relieve the plethora of business in this House. If England ever fail as a nation, says Sir Arthur Helps, it will be from too much pressure of business on Parliament. The union of several Parliaments in one, said Sir George Grey, has thrown upon that one Parliament an amount of business that it cannot perform. Under the present system the work of the House of Commons is plainly getting beyond its powers. How can it be otherwise? Consider the difference between the Parliaments of 1874 and 1800. In a

few years more the expansion and requirements of to-day will be equally left behind. Now, I put it to any hon. Member, is there any one arrangement which would so tend to lighten the pressure of business, and set English and Scotch Members free to consider their own most pressing national affairs, as the proposed transference of Irish domestic business, to an Irish Assembly? Is there a single English or Scotch Member who has not been worried almost beyond endurance by this ever recurring, never ending "Irish question?" Moreover, would it not be a pleasure to every Briton to know that the domestic affairs of his country would be transacted by his own representatives and no others? What can we, Irish Members, know about the internal affairs of England? How can our interference in them be other than a disturbing element in the equilibrium of parties, and an inconvenient interference in other people's domestic affairs? Another practical advantage would be this—that the domestic affairs of Ireland would be transacted by men who know all about them, who would have time to attend to them, and who would have no other public business to attend to. After all, even in these high pressure days, time and knowledge are essential to the proper conduct of business. Is it not evident that the Imperial Parliament has neither the time nor the knowledge? As to time, we know that the most urgent affairs of Ireland are put off incessantly, often for years, often indefinitely, simply because Parliament cannot spare time to attend to them. As to knowledge, how can hon. Members from England and Scotland know very much about the details of Irish life? I hope it is not discourteous to say that since I came into the House I have been deeply impressed with this lack of knowledge. I hear hon. Members speaking of Irish affairs ably, eloquently, and kindly. They have every element of suitability for legislating for Ireland except the one indispensable element—knowledge of Ireland. You really do not know Ireland. You only guess about it, and you generally guess wrong. You insist on managing our affairs—you generally make a mess of them, and you blame us for the result. Again, there is the important practical advantage of accustoming Irishmen to put their heads together

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about their own affairs. It is only by exercising some degree of self-government that a country gains political experience, tolerance, and self-control. Again, there is the practical advantage of checking the tendency to over-centralization. As it is, the intellectual, artistic, and social life of Ireland is dying out. Ireland is being gradually reduced to the condition of an out-lying farm for the supply of the English markets. Nearly every national interest is neglected. The national wealth, material and moral, is directed into other channels. Nearly every Irish interest is in a muddle — agriculture, manufacture, education, railways, law, literature, art, and science. Surely it is only reasonable to let Irishmen consult together about these exclusively Irish affairs — the nature and requirements of which none can understand so well as themselves. But over and above all these material advantages, is the great moral one of civil liberty. If there be any one thing about which it is safe to say that all the civilized world and all political thinkers are agreed, it is that, ordinarily speaking, a community gets on better when it manages its own affairs, than when those affairs are managed for it by another community; just as, ordinarily speaking, a man gets on better when he is not in bondage or tutelage to anyone else. This thought underlies all the praises of civil liberty that ever were said or sung. It is, beyond doubt, a true thought. Unless the community or the man be mad, they know their own business better than anyone else can know it. Unless they be utter incapables they will do it better than anyone else can do it. Unless they be sneaks, they will feel as an intolerable grievance the pretension of anyone else to supersede them in it. Keep a man in such bondage or tutelage, and you will make him a milksop. All inventiveness, all brightness of genius, all force of character, all aspiration to achievement will die out in him; no such man ever does any real good for himself or anyone else. Keep a community in such bondage and tutelage, and you emasculate it for all good purposes, and put it in "the way of temptation" to all bad ones. Public spirit, self-reliance, self-control, self-knowledge, national faith, national hope, national charity will decline. No such community prospers, or ever yet

really prospered since the world began. Lastly, there is the immense practical advantage of removing Irish disaffection by removing its cause. It must be plain by this time that Great Britain can never be really safe while Ireland is discontented, and that utterly discontented Ireland will remain so long as she is denied that control over her local affairs which, as Grattan truly said, is the very "essence of liberty," and without the possession of which, as Sir George Grey admits, "no nation can be contented, prudent, or prosperous." The concession of such control may have dangers of its own. But is there any danger so great as persistent defiance of the reasonable requirements, the ancient instinctive longings, and, as I venture to say, the plain and certain rights of the Irish community? Of old, Grattan warned Pitt that in destroying the Irish Parliament he was "pulling down one of the pillars of the British Empire." Foster predicted that its consequences might be the "utter ruin" of both countries; and Charlemont declared that—

"It would, more than any other measure, contribute to the separation of two countries the perpetual connection of which was one of the warmest wishes of his heart."

Let us be wise before it is too late. God made the two Islands neighbours, and separated them from all the world beside. History, race, kinship, social intercourse, individual friendship, knit them together by many a strong and tender tie. There can be no "practical advantage" so great to both as to make both friends, to end the miserable quarrels of the past, and to enable them both to enter on the future with combined strength and individual freedom. It is objected that we have submitted no definition of the particular duties which should belong respectively to the Imperial Parliament and to the Irish Parliament. These have been more than once defined by the hon. and learned Member for Limerick and by others; but lest there should be any misconception, I shall now give an exact specification of what is properly Imperial business and Irish business. It is proposed that the following matters should be left to the Imperial Parliament:—All relations with foreign States, all questions of peace and war, the government of the Colonies; the Army, Navy, and all that relates to the defence

and stability of the Empire; control of the Imperial customs, general trade regulations, control of expenditure and supplies for Imperial purposes, power to levy general taxation for such purposes; charge of the Public Debt and the Imperial Civil List; sovereign power, within the limits of the attributes of the Imperial Parliament, over individual citizens in both countries. To the Irish Parliament it is proposed to leave Irish education, Irish agriculture, Irish trade and manufactures, Irish public works, Courts of Justice, magistracy, railways, Post Office, Grand Juries, and every other detail of Irish national life. The general principle is that Ireland should manage for herself what concerns Ireland, and that both countries should manage in this Imperial Assembly what concerns both collectively. But how prevent the clashing of jurisdictions? By strict definition beforehand, and a Supreme Court independent of both, to decide all disputes. This practice works well in America and in Austro-Hungary. It is said that there would be a danger of the separation of Ireland from England if Home Rule were adopted. I admit that; but at present there is a danger of separation. All the material force which now prevents separation would remain absolutely unimpaired if Home Rule were established. But *plus* that material force, there would be a great moral support of the Union, and the moral support of a contented people has proved in all history more efficacious than any material support whatever. De Tocqueville was right in asserting that every citizen in a confederation had an interest in maintaining it, because in defending it he defended the prosperity and freedom of his own State. Under a confederate system it would be just as impossible for Ireland as it is now to take part in a foreign war. Under that system, Ireland would have to contribute taxes for Imperial purposes; and it would not be open to her to interfere with the Customs Duties or to abolish Free Trade. All those matters would remain as they now are, under Imperial control. I am surprised that so distinguished a scholar as the hon. Member for Londonderry (Mr. R. Smyth) should suggest that the Irish Parliament would be a vassal Parliament. Under the confederate system, there is no subordination whatever.

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The Imperial and the Local Legislatures are each supreme within the limits of their own special attributions. As to the objection that the English capital invested in Ireland would not be safe if Home Rule were established, I may remark that out of a total sum of £35,000,000 invested in the purchase of lands sold by the Landed Estates Court in Ireland, only £7,000,000 was non-Irish money. There is, I believe, more English money invested in Egypt and in Russia, and even in the miserable South American Republics, than in Ireland. I will go so far as to say that more capital is invested in the deposits of the Peruvian sea-fowl than is invested in Ireland. But so far from acting as a deterrent to the investment of English capital, the giving to Ireland the right to govern herself will act as an encouragement in its investment in that country. Whatever conduces to civil liberty conduces to social order. That which causes social disorder is the want of civil liberty. When both communities are united, as has been said by a celebrated Member of this House, "in the silken bonds of love," that will cause English capital to flow far more abundantly into Ireland than it does at present. Lastly, it has been objected that the Protestant minority will be over-ridden if the Motion be given effect to. I answer that the Roman Catholics have not the will to over-ride their Protestant fellow-countrymen, and that even if they had the will, they would not have the power. Irish Protestants are, it is true, the minority; but they number nearly one-third of the whole community, and they have had the start of the two-thirds in ancestral wealth and in all branches of professional life; and, besides, have all the advantages of hereditary education, refinement, and culture. I respect my Protestant fellow countrymen, and I know that cowardice is not among their failings. But utterly cowardly would they be if they seek to deprive themselves of the advantages of that civil liberty for which their forefathers have struggled, in order to cling to an alien domination, instead of joining in brotherly harmony with their fellow countrymen in the career of civil freedom.

SIR MICHAEL HICKS-BEACH said, it was a matter of regret that so much of this debate had been occupied

with historical reminiscences, which, in the case at least of the last speaker, had extended to a period of 2,000 years; for after all the question before the House was one which must be decided with reference, not to past history, but to the present circumstances and necessities of our country. He could not but regret that the hon. and learned Member for Limerick (Mr. Butt) should have raked up the old stories of pre-Union corruption and excess. What useful purpose could be served by such allusions? There was one point in which the present discussion was immeasurably inferior to those which on a kindred subject had preceded it. Forty years ago, Mr. O'Connell brought before the House the question of Repeal. That proposal was supported by a less number of votes than that before the House was expected to receive; but it was discussed with a reality and a power which were wanting on the present occasion. Why was that so? Why was it that the 37 Members, who followed Mr. O'Connell, were more powerful than the 59 who, it was expected, would follow the hon. and learned Member for Limerick? This was the reason: because they had made up their minds as to what they really wanted, and were not afraid to declare it. The hon. and learned Member for Limerick, on the other hand, touched upon every topic but one in his able speech, and that one was how he meant to carry out his proposal. And why did he take care to avoid that topic? Because he knew full well that when he came to deal with it he would split up the party at his back. It was for some recognized authority among the hon. Members who were prepared to support Home Rule to say what Home Rule really meant; because the definition given by the hon. Member who had just spoken and by some other hon. Members was one which would, he believed, disappoint 99 out of every 100 persons who supported the cry. Again, why was this proposal, which he admitted had the countenance of a certain portion of the Irish people—not of the wealthy, not of the specially intelligent, not of the educated classes, but which, nevertheless, was recommended to the House as being backed up by the whole force of the Irish nation—why was a proposal which was supported by a portion only of the Irish nation, and which in itself was vague

and indefinite, to be granted against the unanimous wish of the people of England and Scotland, and the most intelligent and wealthy portion of the people of Ireland? The hon. and learned Member for Limerick, if the House should resolve itself into Committee, proposed to move—

“That it is expedient and just to restore to the Irish Nation the right and power of managing all exclusively Irish affairs in an Irish Parliament; that provision should be made at the same time for maintaining the integrity of the Empire and the connection between the Countries by reserving to this Imperial Parliament full and exclusive control over all Imperial affairs.”

He at once demurred to the assertion that was contained in those words. He would not quote history, but he would quote an authority which the hon. and learned Gentleman, were he in his place, would not object to, and it was a speech delivered by himself when, in his earlier years, a rising advocate of the Irish Bar, a leading politician in Ireland, the hope of the Tory party, he supported the rights of the Protestant Corporation of Dublin, and before that body opposed the proposal of Mr. O'Connell for a repeal of the Union. On that occasion the hon. and learned Member, in a speech which would compare for ability and argumentative power with any he had ever delivered, showed most conclusively that Ireland never had the right or power which in this Motion he attributed to her. He said—

“There is no impression more common, yet none more utterly erroneous, than the belief that in adopting the views of the hon. and learned Gentleman we are but demanding for Ireland the restoration of something that this country once had. I am quite prepared to demonstrate (to this assembly) that there cannot be anything like restoration in the case. . . . All that we can seek is of English origin. Our common law is the common law of England—the Parliament which is claimed is a Saxon institution—the hon. and learned Gentleman can trace the liberties of Ireland to no higher source than the English conquest. His claim is for Anglo-Saxon rights.”

[“Hear, hear!”] Well, what were those rights? The hon. Gentlemen who cheered that statement should have considered how the hon. and learned Gentleman had defined them. “Parliaments of the Pale were,” according to the hon. and learned Gentleman—

“mere conventions of English settlers; irregular in their constitution, in their place, and their time of meeting, without any of the attri-

butes of legislative, or even of deliberative, assemblies."

The hon. and learned Gentleman proceeded—

"In after times, before any Parliament was called in Ireland, the heads of every Bill intended to be proposed to that Parliament were sent over to the English Privy Council, and were approved of there."

And he went on to say—

"By the constitution of 1782, a Bill which might receive the unanimous consent of both the Irish Houses of Parliament required the assent of the Sovereign, under the Great Seal, not of Ireland, but of England; a Great Seal in the custody of the English Chancellor alone—a Minister responsible to the English Parliament, and not to the Irish."

Was this the state of things that would be restored by a Motion to vest in an Irish Parliament the exclusive power to manage Irish affairs? Was it not clear that for any amount of freedom really possessed by the Irish Parliament in the days referred to, the present Representatives of Ireland in the Parliament of the United Kingdom possessed more than double the power in everything that concerned Irish affairs? They sat in the House as representing Ireland in at least a fair proportion to its population, as compared with the rest of the United Kingdom, and in perhaps a greater proportion than the wealth and commerce of Ireland might warrant. And, in addition to this, the Irish Representatives discussed in common with the Members returned from England and Scotland the affairs of the United Kingdom and of the Empire. They had the right to vote upon any and every question which was submitted to the House; they had a power sufficient for the unmaking of Ministries; and he ventured to assert that there was never a time in the history of Ireland when that country enjoyed so much constitutional freedom as she did at the present moment. The hon. and learned Member for Limerick in the course of his speech mentioned an allusion in the debate on the Irish University Bill of last Session to that measure as one which was to be forced upon Ireland because the Irish Members objected to it. But what happened? For once the Irish Members were perfectly unanimous, and their votes not only defeated that measure, but practically terminated the existence of the Government which had proposed it. In the present Session also

the Irish Members were unanimous upon one occasion, and by voting as one man in favour of a grant of £10,000 in aid of the Irish Fisheries brought about the only defeat which had been sustained in that House by the present Government. He believed that if the Irish Members were anything like unanimous upon alterations or amendments in the laws of their country they would not be likely to find the Parliament of the United Kingdom opposed to them. The real difficulty in legislating for Ireland was that its Representatives were almost invariably divided into two opposing camps, differing far more widely from one another than the Representatives of other parts of the United Kingdom. And hence arose some special advantages of an Imperial as compared with a local Parliament. The hon. and learned Member for Limerick spoke of the way in which he should vote upon a Scotch Bill, and he thought the House appreciated the fact that he must have spoken without consideration. The great advantage of the Representatives of the whole Kingdom meeting in one House to consult together for the common interest of the country was that petty local interests were overborne by the opinion of Gentlemen who came unbiassed by local prejudices to the consideration of questions laid before them. This was essential for the whole of the United Kingdom, but perhaps more essential for Ireland than for any other portion of it because—if he might complete the sentence without giving offence—if there was one defect in the political character of hon. Members for Irish constituencies, on whichever side of the House they sat, it was that they were not quite so moderate either in their views or in their mode of expressing them as those hon. Members who sat for English and Scotch constituencies. The hon. and learned Member for Limerick referred to the case of the coercion laws as an argument in support of his proposal to relegate the management of Irish affairs to an Irish Parliament; but he seemed to forget that those laws were voted by Parliament in order to protect life and property in Ireland, with the tacit consent of the great majority of the Irish Members in the House of Commons. The hon. and learned Member also referred to the appointment of stipendiary magistrates in Ireland as one

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of the grievances which proved that Ireland ought to manage her own affairs by means of her own Parliament. The system was not unknown in England, where stipendiary magistrates were appointed to perform duty in places where the ordinary non-professional magistrates were unable, from some cause or another, to do the whole of the work. And Ireland had this advantage over England—that her stipendiary magistrates were paid out of Imperial funds, while on this side of the Channel the localities for which they were appointed had to bear the cost. The hon. and learned Gentleman also referred to the Irish constabulary as being more in the nature of a foreign garrison than of a police-force. But, as a matter of fact, it might safely be said that 99 out of every 100 men in the force were natives of the country. Then, reference had been made to the little time at the disposal of the House, and it was said that Ireland had no fair chance of having her affairs considered. He did not wish to enter into a detailed history of the last Parliament, but certainly some considerable portion of its time was occupied with a careful and prolonged consideration of the Irish Church and Land Bills. He might, perhaps, be supposed to look at their proceedings during the present Session with a prejudiced eye; but, so far as his recollection served, there was a period when almost every Tuesday and Friday seemed to be devoted to some Irish business or other, and, judging from the manner in which the statements then made on behalf of the Government were received, he did not think the result of the consideration of Irish affairs by that House had been entirely unsatisfactory to Irish Members. Several important questions had already been dealt with, although the Session had not been one in which Her Majesty's Government had thought it necessary to propose any very important measure of Irish legislation. The Government might be of opinion that rest was the best policy for Ireland, but other hon. Members had not been of that opinion, and a goodly proportion of the measures introduced related exclusively to the affairs of that country. He did not say that all, or nearly all of them had been considered, but he very much questioned whether all of them were ever intended to be considered. There was another ground on which the

House was asked to give to an Irish Parliament the power of dealing exclusively with Irish affairs, and it was that Ireland was a very poor country. On this point he should like to lay a few figures before the House. In the year 1800 there were six banks in Dublin and six in the provinces, but in 1874 Dublin had 17 banks and the provinces 371. In the year 1843 the amount deposited in Irish savings banks by 82,486 depositors was £2,447,110. After this date the famine and the failure of two large savings banks in Dublin caused a decrease in the number of depositors and the amount of money intrusted to banks, but a gradual recovery followed, and in 1873 the deposits in savings banks amounted to £2,839,000. This, however, was not a fair test, because on account of the loss of confidence in such institutions caused by the savings bank failures to which he had referred, a large amount of money was deposited in other banks. Taking joint-stock banks and savings banks together, he found that in 1845 the amount invested was, in round numbers, £12,000,000, and in 1873 it had reached £32,000,000, giving £1 9s. per head of the population in 1845, and £6 per head in 1873. The total amount invested in Government funds, joint stock banks, and savings banks, in 1845, was £48,200,000, or £5 16s. 2d. per head of the population, and in 1873 it was £66,900,000, or £12 10s. 8d. per head of the whole population of Ireland. The average estimated capital of Ireland in the years 1826-30 was £129,639,000; in the years between 1846-50 it was £95,286,000—but in this period the famine occurred—and in the years 1869-73 it had reached £217,792,000. Let them next glance at the trade of the country. Since the time of George IV., owing to the existence of an extensive coasting trade between Ireland and Liverpool, it had been impossible to distinguish clearly the foreign trade of Ireland, but he found that in 1835 the coasting trade between Great Britain and Ireland amounted to 1,100,389 tons entered and 1,440,617 cleared, against 7,057,680 tons entered and 6,833,844 tons cleared in 1872. The tonnage of sailing and steam vessels employed in the intercourse between Great Britain and Ireland was 786,637 tons in 1823; 1,255,901 tons in 1843; and 8,115,997 tons in 1873. The total length of railways in Ireland was

987 miles in 1855, and in 1873 it was 2,100 miles. The total number of passengers conveyed was 7,212,286 in 1855, and 16,371,708 in 1873. The total of railway traffic receipts was £999,832 in the first-named, and £2,576,934 in the last-named year, the net receipts being £591,766 and £1,155,547. Coming next to the question of factories, he admitted that in regard to the production of manufactures, Ireland could not be compared satisfactorily with England, nor, perhaps, with Scotland. He wanted to know however, with whom the fault rested? If there was one thing more susceptible than another of insecurity in a country, surely it was capital invested in machinery. If Irish manufactures had not increased in the same proportion as those of England and Scotland, the circumstance, he feared, was not a little due to the perpetual political agitation which had been going on in the Sister Country, and to a general feeling that something or other might happen which would destroy or forfeit all the capital engaged in the production of manufactures. Nevertheless, he found that in 1850 there were 91 factories of all kinds with 532,303 spindles, and employing 24,687 persons; whereas, in 1870, there were 242 factories, with 1,057,952 spindles, and employing 61,965 persons. With regard to exports, he remembered that during a debate in the earlier part of the present Session the noble Lord the Member for Westmeath (Lord Robert Montagu) strangely enough alluded to the great increase in the exports of beef and mutton from Ireland as a great grievance to that country, forgetting probably that his constituents and other Irishmen were clever enough to take care they got well paid for what they sold. In 1850 there were 2,917,949 cattle in Ireland; whereas in 1873 the number had increased to 4,142,400. The number of sheep was 1,876,096 in 1850 and 4,482,053 in 1873. There were 927,502 pigs in Ireland in 1850 and 1,042,244 in 1873. Poultry had increased from 6,945,146 in 1850 to 11,734,929 in 1873. He was perfectly aware of the answer which hon. Gentlemen opposite might make to those statistics. They might say—"You have increased your production of live stock, but you have diminished the population." He had heard with great pleasure and with a great deal of cordial

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agreement the argument of the noble Marquess opposite (the Marquess of Hartington) the other evening. Surely it did not follow that the increase of the population of a country out of all proportion to the increase of its wealth was a blessing to that country. Everybody knew how the large increase of population in Ireland in the first half of the present century terminated at the time of the Irish Famine; and he thought—as indeed had been already remarked in the course of this debate—that few statements were more unfair than to charge the existing system of Parliamentary Government with causing a famine which no Government in the world could have prevented. But as far as statistics were concerned, if it were any pleasure to hon. Gentlemen opposite to learn that emigration in Ireland was diminishing, he could give them some facts which he trusted they would deem satisfactory. Of course, under ordinary circumstances a considerable increase in emigration occurred in the Spring months. Well, in the year 1873 there was an increase of emigration in March of 1,595; in April of 3,392; and in May of 5,777 over the corresponding months in the preceding year; but no sooner did the present Government come into office than a very remarkable change was made. In February, for which month the late Government might be held responsible, there was an increase in emigration of 710 persons. But there was an absolute decrease in March of 2,435; in April of 8,301; and in May of 3,272 persons, as compared with the corresponding months in the preceding year. These facts he gave for what they might be worth, and he thought if hon. Gentlemen opposite really desired to check emigration they ought to support the present Government. Having thus dealt with the principal reasons which the hon. and learned Member for Limerick had urged in favour of the adoption of his Motion, he now asked, what that Motion really was? The hon. and learned Gentleman proposed, as far as he could understand, to give to an Irish Parliament the right and power of managing all exclusively Irish affairs, allowing at the same time Members from Ireland to sit in the Parliament of the United Kingdom, as Representatives of that part of the United Kingdom for the discussion solely of Imperial affairs. Let

it be considered how much hon. Members for Ireland would lose by that arrangement. He could not conceive a more unsatisfactory position for a Representative of a Roman Catholic constituency in Ireland to be placed in. The other evening, for example, he would have been at liberty to discuss the claims of the Nawab Nazim of Bengal; but when the next Motion was brought forward by the hon. Member for North Warwickshire (Mr. Newdegate) for the inspection of convents in England and Scotland, he would have been obliged to leave the House and would have been debarred from voting or speaking respecting a matter on which he felt an intense personal and religious interest. The question of denominational education was dear to Roman Catholics in Ireland as well as in England, and if the hon. Member for Birmingham (Mr. Dixon) proposed to abolish all denominational schools in Great Britain, or to refuse them all State aid, would it be a pleasant position for a Roman Catholic Member from Ireland to have to walk out of the House and not record his vote upon the question? The hon. and learned Member for Limerick would take from the Irish Members who, after all, were practically Representatives of the Roman Catholic element in the constituencies of England and Scotland, all power of interfering with such matters in that House. And what would be given to them in return? The power of managing exclusively Irish affairs. Now, he wanted very much to know what that power was. The hon. and learned Member for Limerick had introduced to their notice a system of federation, and had referred to Austria and Hungary, to the United States, to Canada, and to the Cape of Good Hope. What system from all these countries was the hon. and learned Member prepared to recommend? He thought he might dispose at once of Austria and Hungary, for he could not conceive a case in which it would be less easy to draw a parallel between the circumstances of two countries than between Austria and Hungary on the one hand, and Great Britain and Ireland on the other. Hungary had a Constitution dating from a very early period. She possessed rights and liberties which were taken from her, and she was reduced to subjection under an arbitrary and a de-

spotic Government. This was not the case with Ireland. Again, Hungary was larger in area than Austria, and had a population in the proportion of 15 to 20. Well, it was only necessary to look at the map to compare the relative size of Great Britain and Ireland, and to look at the Census for the respective populations. Under the system which had now been in force for 70 years in Ireland there had been growing up silently, perfect Constitutional freedom, and this was not the case in Austria and Hungary. Then, would the hon. and learned Member for Limerick adopt the system of the United States? He would call the hon. and learned Gentleman's attention to a point which he seemed to have entirely overlooked, but which was of the greatest importance in discussing this question. With the exception of Austria and Hungary, no case could be mentioned in which a Federal system had not been adopted by the States comprised within it as a step towards a closer union. Take the United States for example. They were a collection of Sovereign States. They came together for Federal purposes, giving to the Federal Government certain carefully defined rights, leaving in the power of each separate State all local rights and everything that was undefined. What had been the result? The hon. Member for Mallow (Mr. MacCarthy) quoted De Tocqueville as saying that Federalism in America had been in every way satisfactory. Did the War of Secession bear that out? The Federal system as it existed in the United States before the War of Secession, without any real power on the part of the Federal Government, had broken down. The result of that war had been to increase immensely the power of the Federal Government, and every step that was taken as years went by was tending in the same direction. What was the case of Canada? The Canadian Dominion had been constituted of a number of provinces differing in the habits and circumstances of their people, many hundred miles apart, some of them weeks in time from communication with each other, and with populations having all kinds of varied or conflicting interests. It was deemed necessary to bring those different provinces more closely together. That had been done under the system of federation. But under the Act which consti-

tuted the Dominion Government, the system of federation adopted in Canada, one of the greatest of our Colonies, and perhaps more nearly resembling what might be adopted here than any other system which could be named, gave practically almost all power to the Dominion Government, and nothing but municipal power to the Provincial Assemblies. He did not wish to trouble the House with the detail of all the varied powers which the Act of 30th *Vic.* c. 3, defined as belonging to the Dominion and the Provincial Governments respectively. But from the speech of the hon. Member for Mallow he found that more than one of the points which the hon. Member expected would be left to the Provincial Parliament of Ireland were in Canada vested in the Dominion Parliament. The management of the public debt and public property was vested in the Dominion Parliament. The hon. Member for Mallow talked of Imperial Customs and general trade regulations being left to the Imperial Parliament, and Irish trade to an Irish Parliament. ["Hear, hear!"] The hon. and learned Member for Limerick cheered that statement. [Mr. Burr said, he expressed neither assent nor dissent.] That was precisely what he complained of. The hon. and learned Member for Limerick allowed those things to be said by his lieutenant or his followers, and then would not tell the House what he meant himself. The hon. Member for Louth (Mr. Sullivan), and also, he thought, the hon. and learned Member for Limerick spoke of the wretched state of trade and commerce in Ireland. Now, he had himself quoted figures to show that that state was not so bad as was supposed; still, he admitted that it was not so good as the state of trade and commerce in England. But was that owing to any legislation of the Imperial Parliament? If it was, why had not hon. Members from Ireland come down to the House during the present Session, and, instead of proposing a number of political nostrums, which nobody wanted, propose some measure which would have remedied the injustice inflicted on the trade and commerce of Ireland? The hon. and learned Member for Limerick knew perfectly well that the trade and commerce of Ireland were subject to the same laws as the trade and commerce of England and Scotland. Their policy for years

past had been a Free Trade policy. Did the hon. and learned Member for Limerick wish to reverse that policy for Ireland? Did he wish for Protection to Irish industry. Because that was one of the points upon which that Motion for Home Rule had found very considerable support in Ireland. Were they to have recourse to the system of Bounties, which meant jobs, so much in favour with the Irish Parliament? Were they to return to that system of Protective duties for native manufactures which, in order to enable native manufactures to obtain a market at home, deprived them altogether of any market abroad? He much wished that the hon. and learned Member for Limerick had told the House precisely what he would propose with respect to the question of trade and commerce. If he was satisfied with our present system of Free Trade, he had no right to say that the Imperial Parliament had done any harm to Ireland in that matter. If he desired to return to a system of Protection for Ireland, he was asking for an Irish Parliament powers which they had never conceded to a Provincial Legislature, to which England and Scotland could never agree, and which in the end was certain to prove ruinous to those for whose benefit it was intended. Then came the question of taxation. He did not know how far it was expected that the Irish Provincial Parliament was to have any power of dealing with taxation in Ireland, beyond that which was possessed by the Provincial Legislatures of Canada, New Brunswick, and the other component parts of the Dominion, and which was similar to the power of imposing municipal taxation possessed by any borough of England or Wales. They could not, under any system which could possibly be adopted, have any power of taxation beyond that. At any rate, no such power had been proposed to be vested in the Provincial Governments of the Canadian Dominion. The hon. and learned Gentleman had referred to other points, among them to the Postal Service, which, he thought, would be an entirely Irish matter. But how could the Postal Service, including the conveyance of the mails between England and America, be regarded as a purely Irish question? Under the Canadian Federation the sea-coast fisheries

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were an Imperial matter. He did not know whether it was proposed that the sea-coast fisheries should be dealt with by a Provincial Parliament in Ireland. If that were so, he hoped that the Provincial Parliament would be prepared, from local funds, to make that grant which had been pressed so much upon the Imperial Parliament by hon. Members on both sides of that House. If it were not so, he wanted to know why the hon. Member for Louth found fault with hon. Members from England and Scotland for objecting to a grant from the Imperial taxes for the sea-coast fisheries of Ireland? But, after all, there were two important matters connected with that division of Imperial and Provincial duties, which would, in the case of Ireland, really occupy the attention of the House more than any other, and those were education and the rights of property. Under the arrangements of the Canadian Federation, legislation about education, property, and civil rights was included in the powers of the Provincial Legislatures. But it was included with this check—that any Bill which passed the Provincial Legislature might be vetoed by the Lieutenant Governor of the Province—an officer appointed by, and responsible only to the Federal Government—or it might be sent by him to be negatived by the central authority at Ottawa, which retained that control over any legislation upon either of those important subjects which would effect any material alteration in the law relating to them. But, more than that, points were laid down in the Act itself which regulated the rights of minorities with regard to education in the different provinces of Canada, and they were, he thought, sufficient to insure that those rights should be properly respected. Let him now take the question of property. Suppose legislation in regard to property were delegated to a Provincial Parliament in Ireland. They were told the other evening that a large, if not the greater part of the wealthy and independent tenant-farmers in the most prosperous agricultural counties of Ireland were in favour of Home Rule. But why were they in favour of it? Because they occupied farms at a low rent, and they thought that Home Rule meant fixity of tenure, under which they would practically obtain the ownership of their farms

without paying for them. Fixity of tenure was therefore advocated by many of the Representatives of these farmers in Parliament, whom he now saw before him. The hon. and learned Member for Limerick himself had said in that House, during that very Session, that nothing less than fixity of tenure would content the Irish people. [Mr. BUTT dissented.] How much more they might demand it was perhaps difficult to say; but, at any rate, that might be taken as one of the first measures which a Provincial Irish Parliament, formed on a popular basis, would probably pass. Well, what would be the result of that? Supposing such a measure were passed by an Irish Provincial House of Commons—supposing that, under the influence of popular terrorism, an Irish House of Lords succumbed, as they had sometimes seen in England, to what was assumed to be a popular cry, and passed it also against their own inclination. Supposing a measure for securing fixity of tenure in Ireland came to the Central Government armed with that power of veto which was thought essential to the Federal system in Canada, and that veto were exercised in obedience to the universal demand of the owners and mortgagees of property in Ireland, whether resident in Ireland, England, or Scotland. What would be the result then? Would those who believed that Home Rule meant fixity of tenure be much longer in favour of their Home Rule system, or would they not agitate for something more—namely, the abolition of the controlling power of the Central Government? Take, again, the question of education. The question of education, as between Ireland and England, was in a similar position to the question of education as between Lower and Upper Canada. Lower Canada, as they knew, was essentially Roman Catholic; and there was a difference in race and in language far stronger than that between Ireland and England. Again, let him suppose that the priesthood of Ireland should exert their influence with the Provincial Parliament of Ireland, and induce it to pass a law for the advancement of denominational education, to be paid for out of the resources of the nation, or by means of rates levied on the local taxpayers. What would, under those circumstances, happen? Would the people of Ulster

calmly and passively submit to such a measure? Would not such a proposal, on the contrary, arouse the fiercest passions between the Protestants of the North and the Roman Catholics of the South? and might it not become necessary for the Imperial Government to interfere, not in a Parliamentary way, but by force, in the local affairs of Ireland, with the simple view of preventing civil war. He had now alluded to two questions which it appeared to him would be likely to cause discord in an Irish Parliament, and to create dangerous differences between it and the Central Government. But after all he did not know that he had not dwelt at too great length on these questions, inasmuch as he regarded the Motion of the hon. and learned Member for Limerick as being founded altogether on an anachronism. The hon. and learned Gentleman seemed to him to have altogether ignored that fusion of races and feeling which had been going on in recent years between England and Ireland, and to forget that there were thousands of English and Scotch in the latter country, and hundreds of thousands of Irish domesticated in the large towns in England and in Scotland. The hon. and learned Gentleman seemed also to forget the difference which prevailed between the North and South of Ireland, almost as marked as the distinction which existed between Englishmen and Irishmen, and that in proposing to treat Ireland as a separate nation he was doing so at a time when no such separation really existed. What the hon. and learned Member for Limerick proposed for the adoption of the House was a Federal system, not as the step towards union which it had been in all other countries but one, but as a step towards disintegration. The hon. and learned Gentleman might not mean that; but, unless his followers meant it, there would be no real vitality in the half-dying movement which the Motion before the House sought to resuscitate. So far as it merely aimed at the adoption of a Federal system, there seemed to be an unreality in this agitation, which made him ask himself, for what purpose was the hon. and learned Member promoting it? He would remind him of some words which had been used by one whom he would admit was no small authority; at any rate, they were spoken by himself. At the time to which he

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had already referred, when the hon. and learned Gentleman stood forward as a Tory among Tories boldly to oppose national prejudices and feelings in the Dublin Corporation, he said—

"I believe that political agitation has, more than any other cause, prevented the improvement of the country. Our own dissensions have kept us back; but what is the inference from this? That it is our duty now to abandon agitation that can lead to no practical or real good, and cordially unite in a generous rivalry and co-operation to improve the condition of our people."

The hon. and learned Gentleman went on to say—

"How much better would we consult her true interest if we all agreed that the energies which must be wasted on this project should be applied to her social improvement? What Ireland wants is repose—a rest from the fever of excitement which wastes and consumes her. We want a little interval of peace—an interval in which we might learn to forget our feuds and to reconcile with the freedom of social intercourse, with kindly feelings towards each other, with calm and serious discussion of the truth, with cordial and generous co-operation for our common country, our deep, our earnest, our solemn differences on the most important subject that can engage the feelings of man."

Now, he would commend to the attention of the hon. and learned Gentleman his own words, uttered 30 years ago, when, he would say, he hoped without giving offence, he assumed in Ireland the rôle of a true and noble patriot, in endeavouring not to fan, but to withstand popular prejudices and feelings, and, in spite of them, to promote what he thought right for the common welfare of his country. But, what was the course which the hon. and learned Gentleman now adopted? He submitted to the House a Motion which was really, he thought, believed in by very few of those by whom he had been hitherto supported. What did that Motion mean according to the ideas of 99 out of every 100 Irishmen? Why, neither more nor less than separation from England. ["No, no!"] He could quote from the speeches even of hon. Members in that House passages which showed that they would not be contented with a Federal Constitution which would leave all real power in the hands of a Central Government and bind Ireland more closely than ever under the dominion of England. But there was one thing in which, if they did not mean separation, their energies might be usefully employed. If they did not wish for the disintegration of the Empire, let them endeavour to see how

they could all combine with the object of abolishing, so far as the circumstances of the two countries would admit, the remaining differences in the law between England and Ireland. Let them encourage Ireland in the endeavour to shift for herself rather than to look to the Central Government for everything which had to be done. Let them trust to the Imperial Parliament in all matters which were its proper concern, and let them leave local authorities—whether in England or Ireland—to manage matters which might properly be committed to the hands of local tribunals. It should, however, be borne in mind that owing to the fact that English and Irish legislation had hardly kept pace with one another, the local authorities in Ireland would probably require to be much strengthened before they could perform the work which it might be deemed desirable to intrust to them in so satisfactory a manner, as was the case in this country. He had only to refer for proof of this to the condition of the Liffey and the action of the Dublin Corporation. There was one phase of the present agitation upon which he thought they might congratulate themselves—that this proposal was now brought before Parliament in a legitimate and Constitutional way. It was discussed openly in Ireland. It was brought forward in a legitimate manner in that House. But he must remind the hon. Gentlemen who supported the Motion, that they must accept the same measure as was meted out to Englishmen and Scotchmen, and that in discussing this or any other question they must be content to submit to and be guided by the decision of the Parliament of the United Kingdom. It was, however, necessary to add one word of caution as to what might happen in the sister country. As the House was aware, the present proposal was supported here by men who had taken the oath of allegiance to Her Majesty, and who probably would yield in loyalty to none of her subjects. But it had been stated publicly in Ireland that if Home Rule were not granted by the House of Commons, other means might be tried to attain it. Now, he could conceive no greater guilt nor folly than that of those who would even suggest—for they did not recommend it—that force should be used to secure the end which they had in view. There had

been in the past but one result from the adoption of such means—failure and disgrace to all concerned; and he was convinced there never was a time when failure and disgrace were more certain to follow any attempt of the sort than the present. If such suggestions as those to which he was alluding, made sometimes by men of ability and powers of persuasion, should have the effect of exciting the populace to deeds which all would regret, it would be the duty of the Government to deal with the matter with energy, promptitude, and decision. When it was proposed in the United States that that great Empire should be dissolved, there was a unanimous feeling among the American people of the North that neither blood nor treasure should be spared in order to prevent such a catastrophe. And he would venture to say that if the occasion should arise—which God forbid it should!—the unanimous voice of the people of England and Scotland, as well as of all the loyal population in Ireland, would determine that nothing should ever be done which would lower the United Kingdom among the nations of the world, or deprive her of that proud position which she now held. The noble Marquess opposite (the Marquess of Hartington) had said the other evening—with a manly courage which did him honour—as the representative of what remained of the Liberal party of England, that nothing could persuade them to assent to the proposal before the House. The present Government would be unworthy to occupy their position, if they did not state with equal emphasis their sincere and firm resolve, caring not for place or power or for the fleeting breath of popular favour, to oppose in any and every way what they believed would conduce to the destruction of the United Kingdom and the disintegration of the Empire.

Mr. MITCHELL HENRY said, the right hon. Gentleman had referred to the change of opinion which had come over the hon. and learned Member for Limerick, but he thought it did not become the Chief Secretary of the present Government to complain of that, for the present Prime Minister, under whom he served, began his political life with views very different from those which he at present entertained. What had taken place in this respect showed that men

were willing to learn from experience, and in the House of Commons such taunts were of all others the least effective, provided men's changes of opinion had been honest and sincere, for they touched all sides alike. If, however, the right hon. Gentleman would read the whole of the speech from which he had quoted a passage, he would find that the hon. and learned Gentleman opposed the Motion of Mr. O'Connell for Repeal, because, in his opinion, it would have led to the separation of the two countries, but he also even then intimated that a federal Government would be highly advantageous to both countries; and the exertions he was now making were intended to effect that object. The right hon. Gentleman had also raised a bugbear by assuming that there was a desire on the part of Ireland to return to the system of Protection. While this was a matter which ought to be left to every nation to decide for itself, it must be obvious that it was now impossible to return to that system. Protection was as dead in Ireland as it was in England. At the same time it would be possible, on entering into a Federal arrangement, to make an express stipulation with regard to free trade, if they doubted the common sense of the Irish people. But did anyone seriously believe that the Irish peasant would be content to buy dear sugar, tea, broadcloth, or even any native produce at an artificial price in order to promote the interests of particular trades or protective manufacturers? To remove particular duties and hostile tariffs was one thing, but to restore them when once they had been removed, was beyond the power of man. He denied, too, that the Roman Catholics of Ireland wished for Home Rule in order that they might be able to force denominational education upon the country; for he contended that the large majority of the Irish people were in favour of denominational education. All the Roman Catholics asked for was fair play, and that they should be placed upon a footing of equality with the Protestants who had all the advantages of the middle class schools, and virtually the monopoly of the University of Dublin, notwithstanding the spurious liberality of the sham of last Session which was said to have thrown it open. Lastly, as regarded the rights of property, and that fixture of tenure with which he thought

to frighten a timid public, the Chief Secretary had forgotten to inform them that every proposal of the kind had been accompanied by a proviso for the periodical revision of rents, so as to secure the interest of the landlord as well as of the tenant. Passing from these matters, he pointed out that the demand of the Irish people for the restoration of their right of self-government had been placed before the House in its historical and national aspects, by those whose position and knowledge qualified them to speak with authority. It would be his duty to consider the matter in another light, as it related to financial and economical conditions; and while he had to trouble the House with a certain number of figures, he would endeavour to make them as plain and intelligible, and as little tedious as possible. He confessed that, in so doing, he was not placing the national cause in its most lofty position, for the rights of a nation rested upon something higher than political economy. They were enshrined in the sanctuary of men's hearts, and were as immortal as the spirit of liberty which God breathed into man when He made him into His own image, and endowed him with life. The present generation were little familiar with the history of the Union, and the details of the fraud, violence, and perfidy with which it had been accomplished would, he believed, open an unread chapter in the histories of many hon. Gentlemen on both sides of the House. Men knew less of the events of the times immediately preceding their own era than of any other part of history; but they could hardly mix much with foreigners, either in Europe or in America, without knowing that in their eyes Ireland was the Poland of England, and the joint in British armour through which, as they believed, England was most vulnerable. He said this not in menace, but in sorrow; for as Hungary and Austria had been reconciled, so it was in the power of thoughtful and courageous men to extinguish the hate of centuries, and to consolidate the Empire as the bulwark of liberty throughout the world. Children were cowards in the dark, and men dreaded that which they did not understand; and it was unquestionable that, in the estimation of many who might easily learn better, Home Rulers were destructives and Communists—arrayed not only against the greatness of the British Empire, but against order and good

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government of any kind. He trusted that not only the debate of that night, but the experience of the present Session, would dispel those clouds of prejudice, and relegate their proposals into the domain of rational argument. His own belief was that neither Ireland could do without England, nor England without Ireland. As against the world, they must be a united Empire, having one Sovereign, one Army, one Navy, one foreign policy; whilst, in their internal affairs, admitting of those rational diversities of thought and action which must exist in the case of peoples whose race and religion were as different as the resources and capabilities of the countries were different. He would put it on the highest ground, and say that it was impossible that the mission of England in the great purposes of the Creator could ever be fulfilled so long as she suppressed or ignored the genius and sentiments of the Irish people. He would not, however, dwell longer on that aspect of the argument; but, as he was speaking to a practical audience, he would ask them to take a practical view of the Irish question. It might be contended that, before the Irish people could ask with weight for the management of their own affairs, it should first be shown that the English management had been a failure. The question, then, was at once raised—has Ireland been so governed that the country has prospered? If it could be proved that Ireland alone, of European nations, continued unprosperous up to the present day, a grave presumption was raised against the Government under which this had been possible, and the strongest reason was shown why there should be a change made in the government. If a country was persistently unprosperous, as Ireland could be shown to be, its government was certainly one of the co-operating causes. History showed this abundantly, though they could point to hardly any contemporary instance, save Ireland herself, of such failure. In considering the question of the material condition of Ireland, they had only to consider the two heads of Population and Wealth, and to show a great decline in both; that this decline was remediable, and could now be arrested by a Government really interested in the matter. That the Irish people had alarmingly decreased in numbers everyone knew. Let him be permitted,

for a moment, to dwell on the figures. In 1871, the population was 5,500,000, about the same amount as at the period of the Union. During the same 70 years, England and Wales increased in population two and a-half times, or from nearly 9,000,000 to nearly 23,000,000, while Scotland had doubled her population. Had Ireland increased in a like proportion to Scotland, as might have been fairly expected, she would now have 11,000,000, and she actually reached nearly 8,500,000 in 1845, after which the decline began, and though with less force, still went on at the rate of nearly 100,000 per annum. He would, of course, be told the stock answer to this fact—that Ireland was over-populated, and that emigration was a great good. He denied the over-population theory in any sense except that she had more people than she could then support under existing arrangements; but, save for her history and government, Ireland, from her natural endowment and size, ought to be able to support a far larger population than any she had had hitherto. There was a natural tendency in wealth to increase in every civilized country, so as to permit of a like increase on the part of population—a correction in the principle of Malthus, made in political economy at the instance of the late Mr. Senior; and this tendency was seen at work in England and Scotland, and in all European nations except Ireland and France. In France only wealth increased, not population. In Ireland, neither. They were next told that emigration was a good thing. It certainly seemed at one time to be a good thing from the English statesmen's point of view. It promised to transplant wholesale the Irish nation to the other side of the Atlantic, and thus to save England from the Irish difficulty in a new and unexpected way. But emigration, he said emphatically, was not a good thing in itself. It was only a terrible remedy to be adopted when starvation or the workhouse were the other terrible alternatives. It was an unnatural and desperate remedy, and the Government which allowed its subjects no means of escaping from it would not be loved by those who must leave their country. A Government might one day be called in question by those who had not yet left, but were only under orders to go, if that Government did not first exhaust every rational remedy; and this consideration

applied to the case of the English as well as of the Irish labourers. But if it was good for England, certainly Irish emigration was not favourable to Irish prosperity. And this brought him to the second point in his argument concerning Ireland's material state. He affirmed that the loss of 3,000,000 of people had been accompanied by a loss of £20,000,000 in the annual produce of the soil of Ireland, with all the loss that the circulation of so much additional national capital entailed. He asked here the closest attention to his figures, which proved this without the possibility of contradiction. The figures were official, and he would here observe that no other country was possessed of so good a set of statistics as Ireland, for they were carefully collected under Government direction, and admirably arranged by Mr. Donnelly, while, so far as they went, they might be thoroughly relied upon. Everybody admitted that Ireland was an agricultural country, and it was the fashion to say that she was a country whose mission it was to produce beef and mutton for the English people. Twenty years ago the soil of Ireland produced £21,000,000 worth of crops more than it did now; and the decline in the agriculture of the country, the staple wealth of Ireland, was proceeding with such frightful rapidity, that even during the past year alone 273,000 acres more ceased to be tilled. Cattle had been turned out upon some portions, but without tillage those pastures must rapidly deteriorate, and cease to be able to rear even the beasts of the field; and it was a most startling circumstance, as shown by the tables published under the authority of the Government, that no less than 50,000 acres were added last year to the bog and waste land of Ireland. The decline in the produce of the cereals within the last 20 years had been equal to £11,000,000, and in the root crops to £10,000,000. But, it was replied, Ireland found her compensation in the rearing of cattle; the land had been devoted to other purposes more remunerative and equally useful. Let them examine that proposition for a moment. Taking the official tables as the guide, the value of the cattle in Ireland between 1852 and 1872 increased by £10,000,000—namely, from £28,000,000 to £38,000,000; but that had been estimated at the prices which were current in 1842. He thought a more correct

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estimate was to be found by adding one-sixth to the prices of 1842 to obtain the value in 1852, and one-third of the prices of 1842 to obtain the value for 1872. He was anxious not to overstate his case, and, therefore, if anything, he rather exaggerated the value of the live stock in Ireland, by placing it at the figure of £51,000,000 against £33,000,000, an increase of £18,000,000 over 1852. An error must here be guarded against, for in any country only one-third of the total live stock was produced in a year—only one-third of that £18,000,000 therefore represented the annual increase of the stock which had to be set against the annual loss of £21,000,000, caused by the decline in the cultivation of the soil. That left a loss of £15,000,000, but to the £6,000,000 increased value of live stock, they had to add £2,500,000 for the increased value of the butter, hides, hoofs, &c., making the increased annual produce of the soil, devoted to the raising of cattle, £8,500,000—leaving a permanent annual loss of over £12,000,000. In fact, Ireland was engaged in the most unprofitable trade in the world—that of rearing young stock, which, as soon as it grew of an age to be remunerative, was shipped off to be fattened, and made marketable in England; and to make up for the materials thus extracted from the soil, no part of which was returned to it, large amounts of artificial manures had to be purchased, or the land would become altogether sterile. Grazing of that kind was only fit for a new and thinly populated country, in which vast tracts of land could be left fallow from year to year; and, in his opinion, there could be no surer evidence of the decline of a country than that attempt to make it an Australia or a New Zealand. In just the same way they raised their stock of young men, who, as soon as their labour became valuable, shipped themselves off beyond the Atlantic, to find that prosperity which ought to attend them at home. Was, then, this decline compensated for by increased value in manufactures, or from any other sources? Not from manufactures, which had increased certainly, but only in a natural rate of increase, from their own created capital and credit. If money withdrawn from land were applied to manufactures, then they might set the increased value of manufactures against loss in agriculture; but that had not

been the case. In fact, their manufactures had suffered from general decrease in the produce of the soil, for flax had now to be imported at advanced prices, which diminished profits in the product manufactured. And their manufactures might suffer still further owing to English interference against the wishes of the trade, as expressed by all the Irish Members during that Session. There was, of course, no doubt that the linen trade of Ireland had greatly increased during the last 10 or 15 years, for at the present moment the linen factories had increased to 150 from 100, and they now employed 55,000 hands as against 38,000 ten years ago. But where was the flax grown from which the linen was manufactured? Why, within the last five years, there had been a falling off in the cultivation of flax of 100,000 acres, and at that moment there were 11,000 acres of flax less than there were 20 years ago. But after all was said, the total number of mills in Ireland was only 273, and they did not give employment to more than 80,000 persons—a mere bagatelle out of a population of 5,500,000; while it was stated by the best statisticians that, previous to the Union, Ireland employed in manufactures at least one-fifteenth of her population. On the other hand, there had been no increase in the yield of the mineral resources of Ireland, which were in themselves of comparatively small value—too small to count for anything in the argument. Then, again, the manufacture of spirits and porter was pointed to, and no doubt great wealth to individuals was derived from that source, but it gave comparatively little employment to the people, while within the last 20 years the value of barley grown in Ireland for the manufacture of spirits had decreased £1,300,000. Another branch of industry—namely, the fisheries—had declined in the most frightful proportions. Twenty years ago the fisheries of Ireland employed 111,000 men and boys, whereas they now employed only 20,000. At that period there were 20,000 fishing vessels; now there were only 7,000. And with all this there had been a very large increase in the amount of out-door pauperism, as would be seen by referring to the tables of the Poor Law Board; but at the same time a decrease in the in-door pauperism. In fact amongst that class who were just able to keep

out of the workhouse, of which the Irish people had the greatest horror, there had been a very large increase in numbers. Again, in estimating the condition of Ireland, it was impossible to forget a question that had been so often agitated—that of absenteeism. Suffice it now to observe that the return of 1870 showed that out of 20,000,000 of acres of land in Ireland considerably more than one-fourth—upwards of 5,000,000—were in the hands of absentees; and it was only a moderate calculation to say that they drew from the country annually nearly £5,000,000. This might be put in a very striking light when it was stated that the annual export of live stock being £10,000,000, it took one half of that to pay the rents of the absentees, who returned nothing to the country, just as the exported cattle returned nothing to the soil. At the time of the Union the absentee rents did not amount to more than £1,000,000; but the drain from the capital of the country in the shape of absentee rents still augmented like a drain of blood from the circulation of an already exhausted patient. The perpetual flowing away of nearly £5,000,000 from the circulating capital of the country must, if unchecked, bring Ireland to utter ruin; for this sum was as completely abstracted from the country's wealth as if it were thrown into the sea. There was absolutely no return for it. While it went on, people must emigrate, and Ireland increase in poverty. No European nation was in like case, nor was there any example in history that could be compared with it. Would Home Rule remedy it? They contended it would. Home Rule would recall their absentees to attend to home interests and stop this drain of Ireland's resources. But, in spite of all these facts, they would be told Ireland was progressing in wealth, and would be referred to certain tests. They would be told that the income tax yielded more, that deposits in banks were greater, that railway receipts were increasing, and that our contribution to the Imperial Revenue was expanding. As to the first, the test afforded by the income tax was very precarious, as it fell only on the rich, and after all the increase was very slight, while the total produce was not two-thirds that of Scotland, with not much more than half Ireland's population; and a slight increase from a small class did not show greater wealth even in

them, because the purchasing power, through rise of prices, was diminished in a greater degree. The right hon. Baronet, like many others, made much of the deposits in the banks as affording triumphant testimony to the prosperity of the country, but no test was more fallacious, for it included secured loans. The £30,000,000 of deposits which had figured at so many Viceregal banquets as an evidence of the prosperity of the country, were not what most people believed them to be—namely, deposits of money. Under the Scotch system of banking, which prevailed especially in the North of Ireland, they were in point of fact balances to the credit of customers, half discounted bills and half loans, and, according to the best calculation, the amount of real deposits was not more than £12,000,000. Of this the farmers could not be credited with more than £5,000,000, and that indicated not entirely a growth of capital, but a change in the habits of the people, for the farmers of Ireland did not, as they formerly did, hoard their savings in very considerable sums in their own houses. The graziers, many of whom belonged to the upper classes, and raised their beasts on land which used to raise men, were undoubtedly richer and would continue to grow richer still, until the soil which had been reclaimed and made fertile by the patient labour of thousands who had gone beyond the Atlantic, returned to its primitive condition, as much of it was already doing. Who could think without a shudder that 50,000 acres of formerly cultivated land had, within one short year, been added to the bogs and waste of Ireland? Again, it was said the railway receipts were much larger. Well, there were 57 railways in Ireland, and of these 40 paid no dividend; and of the rest which did pay dividends, the receipts arose from cattle transit, and from the expansion of the linen trade in the north, owing to the dearth of cotton, but it was by no means general over the country. Lastly, he had to refer to the fact that their contribution to the Imperial Revenue was increasing; but that, in fact, was not an evidence of increased prosperity, but a direct cause of the nation's poverty, and rapid decline. Ireland was taxed far beyond her powers, and far, indeed, beyond what she ought fairly to contribute. With all the political and social benefits the right hon. Member for Greenwich (Mr. Gladstone)

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had conferred on Ireland, he had shown himself most inequitable in his taxation of so poor a country, and had inflicted great injury upon her. By imposing the income tax in 1853, and by equalizing the spirit duties shortly after, the revenue had been raised from about £4,500,000 to £7,000,000—a sum out of all proportion to the wealth of the country; and in order to make this clear, he would ask the attention of the House for a moment to the principles which ought to regulate all taxation. Adam Smith had laid it down that the subjects of every State ought to contribute to the support of Government as nearly as possible in proportion to their several abilities; and what was true of individuals was true of States also. The present Chancellor of the Exchequer (Sir Stafford Northcote) recognized this truth, and in the Report he prepared for General Dunne's Committee, in 1864, he said—

"The pressure of taxation will be felt most by the weakest part of the community, and as the average wealth of the Irish taxpayer is less than the average wealth of the English taxpayer, the ability of Ireland to bear heavy taxation is evidently less than the ability of England."

At the time of the Union this principle was so clear that Lord Castlereagh's words in respect of it were these—

"The two countries were to unite as to future expenses on a strict measure of relative ability."

And now, he asked, how had these equitable considerations been kept in view by English Chancellors of the Exchequer? The total wealth of Ireland was only one-seventeenth that of England, yet she contributed one-eleventh to the Imperial Revenue. That was established by a great variety of data which were given in considerable detail by Mr. Chisholm, the Clerk of the Exchequer, before General Dunne's Committee of 1864. But it admitted of several other proofs. The total of the national income, according to Mr. Baxter—who was the best authority on the subject—was about £800,000,000; and, for his part, he believed that in now crediting Ireland with an annual income of £50,000,000, he was not understating the case. But Great Britain, with an income of £750,000,000, contributed £70,000,000, or less than one-tenth of that income to the support of the Imperial Government, while Ireland contributed £7,000,000,

or one-seventh of hers. Now, taxes exhausted a poor country more than a rich one, even if they paid equal parts, while he had shown that Ireland paid far more of her gross revenue than Great Britain. Moreover, it was not to be forgotten that by far the larger part of the duties on foreign produce was collected in England, whilst the duty-paid produce was thence exported to Ireland, and in this way Ireland contributed a very large sum to the national Exchequer, for which she got no credit. Putting all those things together, there was a loss of £12,000,000 annually to Ireland from the change from tillage to grazing; of £2,000,000 overcharge for Imperial taxation; £500,000 for decay in the fisheries; and £5,000,000 for rents of absentees, making a total loss of nearly £20,000,000 annually from the resources of Ireland. So that the Union, instead of introducing prosperity and plenty into Ireland, had been, in several matters, the direct cause of her decline. Then the local taxation of Ireland was in proportion about double that of England, and that was a fact which he commended to the attention of the hon. Gentleman who had made that subject a matter so interesting to that House. For example, in Cork, local taxation amounted to 8s. 6d. in the pound, and, in Dublin, to 10s. in the pound; and the proportion was equally high in many other parts of the country. He did not say that all this was sufficient reason for dissolving partnership, but, at least, it should make the House inquire why the condition of Ireland was so little creditable to the Empire. These facts were placed before the House free from passion or declamation for their consideration as practical men, and if they did not convey the lesson that Ireland was as unprosperous as she was discontented he should think that the Members of that House were resolved to close their ears to the unpleasant subject in the face of the clearest evidence. It only remained for him to say that if this state of things continued there was little hope for the country. He would remind the House that when Themistocles appeared off the Island of Andros with his fleet, he sent word to the inhabitants that he had brought with him two powerful gods—Persuasion and Force. The unfortunate people replied that they possessed two gods greater than his—Poverty and Impossibility. At present, in

the eyes of Englishmen, the general outlook was prosperous; but the time might arrive sooner than many here supposed when England might be rudely summoned from the fancied security which superior might begot, and perhaps be involved in struggles for very existence with the colossal Powers around her; and therefore he thought that it was neither wise nor generous to close their ears to the cry of a decaying country, or the national sentiment of a discontented people. The Irish were a peaceable, loyal, and religious people; and a people of that kind should be made much of; but they felt deeply the arrogant assumption of superiority with which public writers and speakers expressed themselves on all Irish subjects. England never exhibited to the Irish people the grandeur of the English nation, and but rarely had the Sovereign condescended to visit the country. Was it supposed that loyalty could flourish without personal communication, or that the bulk of the people could for ever continue loyal to an abstraction? His belief was that in no other country in Europe would the principle of loyalty have survived the strain put upon it in Ireland. The hon. Gentleman having warned the House that this question could not be disposed of by a two nights' discussion, but would be heard of again and again, concluded by urging that it would be a task worthy of the statesmanship of this country to reconcile the legitimate aspirations of the Irish people with the preservation of the integrity of the Empire.

MR. CONOLLY regretted that he could not congratulate the hon. Gentleman who had just sat down on having thrown much light on the question in hand. The miserable and lugubrious description he had drawn of Ireland might or might not be true. For himself, he totally disbelieved it, and he thought he could scarcely have resided so long in Ireland without having ascertained that half the income of Ireland, or £20,000,000 out of £50,000,000 a-year, was uselessly drawn out of the country, as the hon. Gentleman had stated. That could not be substantiated; but even if it could, it did not follow as a *sequitur* that they should exchange the best Government in the world for what, he believed he could show, would be the worst. No sane man would listen to such a proposal. Was the circumstance of Ireland being poor

a good reason for her being governed by hon. Gentlemen opposite instead of those who now occupied the Treasury bench? A prudent statesman would not take the lowest class, and those least competent, and put them in the place of Government. Nay, they had it recorded by M. Guizot in his work on Democracy—"That no more in a Democracy than in any other form of Government, do men choose those to govern them from below." Ireland had not yet reached such a state of barbarism as to take by her deliberate choice the worst Government that could be devised. Since he had been in that House he had never listened to a debate which could compare with this in its results on Ireland, or in the anxiety with which it was regarded by vast numbers of his countrymen. This was no new subject; Repeal of the Union was a tocsin which had rung from Cape Clear to Malin Head. But what was the history of Repeal? O'Connell, by the force of his character, by his eloquence, and the wonderful faith reposed in him, having electrified Ireland, and roused her from her political slumber, and having with signal success forced upon the Legislature the consideration of the claims of the Roman Catholics; having carried the Emancipation Bill with triumph, essayed the further and more daring stroke of Repeal. He tried to carry this by the same means, and his failure was complete—as complete as his victory had been. Well, then, let him ask hon. Gentlemen if O'Connell so failed when he took in hand this question, then surely the hon. and learned Member for Limerick (Mr. Butt) was merely beating the air when he came to the British House of Commons and asked them, in effect, to give Ireland the worst possible Government, and to dismember the Empire in order to accomplish it? The price was high for the article. He admitted frankly that the movement for Home Rule had the support of a large majority of his countrymen, but this movement had, too, its history—a history little creditable to those who were its actors. What had been the teaching of the political leaders of the Irish people? Let him give some specimens of that teaching. [The hon. Member then read extracts of the most inflammatory character from the speeches and manifestos of Mr. O'Connell, and supplemented them by one even worse, which he described as having emanated from a Member of that

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House.] ["Name, name!"] No, he would not name, as that hon. Member had lately entered their Councils, and he (Mr. Conolly) hoped that the Gentleman would now turn his great talents to a worthy course. ["Name, name!"] No, he would not. With such exhortations the people had been urged to rebellion. [Cries of "No, no!"] Why, had there never been a rebellion in Ireland? Were hon. Gentlemen afraid of the sound? It was too true that the people had been driven by teachings like these, and the desperation of their cause to fly to arms. That, no doubt, was wicked: it was wrong, but it proved one thing, and that he wished the House to notice—at all events, it proved that they were in earnest. He did not doubt their being in earnest. Under these circumstances, the Irish people being so enthusiastic, and led by such false guides in pursuit of this phantom of Home Rule, and deeply convinced of the truth of their case, this question came before the House for its decision, challenging the statesmanship of the House of Commons to fathom the abyss of that discontent which had produced such painful antagonism between the two countries. That was a question of Imperial gravity—that was a question before which statesmen had gone down, and would go down, but it was one which must be answered. He owned that he felt surprise and pain that those who represented the Conservative Government in that House could do nothing and say nothing beyond giving that miserable *non possumus* of an incapable Government, which had become historical, and which, as an historical phrase, had wrought its own mischief in the world. The subject had been brought before Parliament in a perfectly legitimate way by a distinguished Irish Member, and the Government should have something better to say to it than that nothing could be done. He must say, that while with all his feelings as an Irishman he could not entertain any hope of such a regeneration of Ireland by means of Home Rule, as some of his hon. Friends opposite appeared to cherish, he looked upon Home Rule as a chimera and a snare, but he could not disguise from himself the vast sentiment which lay behind this movement; that vast sentiment should count for something with this House, and it was to this point that he should direct his

last observations. He denied that, as the hon. Member for Louth (Mr. Sullivan) had claimed, the appeal to the people should be conclusive. That hon. Gentleman had tried such an appeal, and it resulted in the rejection of a statesman well known to this House, and the preference of the hon. Gentleman. Such was their view of the requirements of Ireland. He therefore did not go with the hon. Member for Louth and ask for a *plebiscite* to decide the question. He thought rather that it was worthy of the grave consideration of that Empire which it was now proposed to dissolve—of England, who was to lose her right hand; of Scotland, who had already with consummate prudence and wisdom led the way in affirming and strengthening her own Union; of Ireland, whose interests from the highest to the lowest were wrapped up, enmeshed, encircled, enriched, or impoverished by the decision of this question. Look at her material condition. He affirmed that the daily and hourly relations subsisting between the two countries, and in which every county in Ireland up to the extreme—Donegal, which he answered for here—had such relations with Birmingham, Leeds, Sheffield, Wolverhampton, and all the great centres of English industry as amounted to a positive union of interests by means of such a web of mutual trade as would require the wand of a magician to undo. They were really and *de facto* united; and while Nature and the requirements of both countries thus demanded Union, how could it be that this feeling of so-called patriotism demanded, and continued with intense ardour to demand, separation? How was such a question to be resolved? Patriotism! Patriotism was a power which some might undervalue, some even affected to sneer at; but he believed that among the best and worthiest of men it was rightly considered as at once the strongest and most honourable of all the emotions of the human heart. Patriotism had made men dare more, suffer more, endure more, than any other passion; but it was a matter of bitter pain to him to see a man who had served Her Majesty loyally, honestly, and truly, carried away by that sacred impulse into a line of conduct which led to ruin. Sergeant Macarthy was as brave a non-commissioned officer as ever wore the Queen's uniform; but he was tried for Fenianism. At his trial he

wore the medals of honour awarded to him for several campaigns in which he had served in India, and a double good conduct stripe. Was it not terrible that such bravery, so much fine feeling should be thus sacrificed to a hopeless cause; and that men adorned with every manly virtue should be lost to their country from excessive zeal? Yet this had happened in innumerable cases, and he had hoped that some Member of the Government would have stooped from his lofty position and have endeavoured to see whether there was not something in the Irish heart better than those unworthy and unpracticable aspirations. He had hoped that the examination opened up by this debate would have led the Government to probe the Irish difficulty a little farther, and have induced them for once to join their political opponents in an honest endeavour for that purpose. He had hoped, in a word, that the Government would have been induced to accept with thankfulness the steps which their opponents had made, and that instead of the miserable taunts which they had heard from the Attorney General for Ireland, cast on an absent Minister, they would have been prepared to say—“You have made so many steps towards the regeneration of Ireland; we will join you in an endeavour to fathom the nature and reason of this question, and to lead to practical purposes this proud and unmanageable Irish isolation.”

THE O'CONNOR DON said, he agreed with many of the observations that had fallen from the hon. Gentleman who had just addressed the House, whose speech was very different in tone from that delivered by the right hon. Gentleman the Attorney General for Ireland. He had heard the remarks made by the Attorney General on Tuesday night with very great regret; for, whether concurring in the views of the hon. and learned Member for Limerick (Mr. Butt) or not, it was impossible for anyone, and particularly for any Irishman, not to feel that this was a question of deep and vast importance, and one that had, more than any previous question, taken a great hold on the minds of the Irish people. The right hon. and learned Gentleman opposite (the Attorney General for Ireland) had replied to the Motion with words of contempt and menace; but that was not the way in which such a question should be met, nor was it the way, he would frankly admit, in which

it had been met by most of the speakers who had taken part in the debate. It was said that those who supported the Motion of the hon. and learned Member for Limerick were bound, in the first place, to show that the laws which had been passed by the Imperial Parliament for Ireland were intrinsically bad; and, in the next place, that there had been a failure in passing good laws for that country. He demurred to a line of reasoning such as this, which would lead to an examination of each particular Act of Parliament that had been passed for Ireland. The only way in which the question could be examined was by judging of the legislation by its results. The hon. and learned Member for Limerick stated what he believed to be its results, and he asked, whether the legislation since the Union had made Ireland prosperous and contented?—by which condition he asked that the question should be judged. He (The O'Connor Don) confessed he could see no other reliable test, and he denied that any answer to the Motion of the hon. and learned Member for Limerick could be founded upon an examination of particular Acts of Parliament. Good laws, in particular instances, might exist under the most despotic form of Government, and bad laws under the most free; and what they had to consider was, not whether in particular instances the laws were intrinsically good or bad, but whether the Irish people had or ought to have the same constitutional control over their legislation as the people of England had over theirs. If the legislation of Parliament affected all parts of the Kingdom similarly, he would admit that there might be no ground of complaint. But that was not the case. In the great majority of instances the laws on the most important subjects differed in the various parts of the Kingdom. Scarcely an Act passed which did not contain a clause to this effect—"This Act shall apply to Ireland only," "this Act shall not apply to Ireland," and so on; and, under these circumstances, was it unreasonable to contend that the people of Ireland, through their Representatives, should have the same control over these separate laws, which were to affect them and them only, as the people of England had through their Representatives. That was not the case at present, and when measures affecting Ireland were passed by majorities representing

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other countries there was no wonder that disaffection and dissatisfaction prevailed. But the evil did not end here. It had often been said that the proposals made by the Irish Members on both sides of the House were impractical, and marked by a want of moderation and an absence of responsibility. But was this to be wondered at? He thought not; for there could not be any real sense of responsibility amongst Representatives on whose opinions and votes the legislation of their country did not depend. This he considered one of the greatest evils of the present system, and it extended even to the constituencies. There, also, no responsibility was felt to exist. There was not in Ireland that wholesome public opinion which existed in England, and upon which the good government of the country so much depended. But let Irish constituencies and Irish Representatives feel the full force of Constitutional responsibility, and this public opinion would soon arise. Holding these opinions, if the hon. and learned Member for Limerick went to a division on the Motion for going into Committee he would certainly support him. The Motion of the hon. and learned Gentleman, however, must be considered not alone with respect to the proposal to go into Committee, but in connection with the Resolutions which were to be proposed in Committee. The scheme proposed by these Resolutions would establish a system of Federalism and of separate Parliaments—one in Ireland dealing with Irish affairs, and another Parliament in London dealing with Imperial affairs. His hon. and learned Friend proposed that all exclusively Irish affairs should be transacted in an Irish Assembly. He (The O'Connor Don) was not blind to the practical difficulties in the way of carrying out such a scheme, some of which had been ably stated by the noble Marquess, the late Chief Secretary for Ireland (the Marquess of Hartington). These were, however, chiefly difficulties from the Imperial point of view, but there were other difficulties from the Irish point of view, which he could not conceal from himself, which were even more important, and which arose from the very great differences of opinion which existed in that country. It was quite true that three of the Provinces of Ireland might be claimed as supporting this proposal; but there were even in those Provinces many influential

classes without whose co-operation the scheme could not be worked, and whose support had not yet been secured. On the other hand, in the North of Ireland, almost the whole country was opposed to the proposal. ["No!"] There was, at least, a very large, influential, and powerful class against it, and until there was more unanimity and cordiality in the demand he felt that success was unattainable. He was unable to join in the complaint that the scheme was vague and undefined. On the contrary, he believed it erred in being too minute, and he could see no advantage likely to arise from propounding an elaborate and detailed plan, before the principle on which it was founded was admitted. There was, however, mixed up with the scheme of the hon. and learned Member a sort of undefined, vague notion that it was intended by it to establish a separate Irish Nationality, and most of the support which the project commanded in Ireland was due to this idea. On the other hand, this same idea frightened and kept aloof certain sections of the people, and the majority of the inhabitants of the North, without whose co-operation the proposal, even if accepted by the Imperial Parliament, could not possibly work. This he believed to be a great mistake. There should be no doubt or uncertainty on this point. The question could not be worked on two lines. It would not do to represent to the people, on the one hand, that it was the restoration of a great and glorious Irish nationality which was sought for, and on the other, that it was nothing but better machinery for the passing of local laws which was looked forward to. From the experience of other countries, he had come to the conclusion that the most extended form of Federal Government would not only not create or restore Irish nationality, but would not, even to any great extent, increase or foster it. The United States had entered into Federalism as separate and independent States, and they had taken great precautions in the Treaty of Federation to preserve their sovereignty and independence, but with what result they all knew. The operation of Federalism in the British Provinces of North America would be the same, and in a few years Canada, New Brunswick, and Nova Scotia would entertain less the feeling of separate independence than at present. Austria and Hungary were

united in a system of Federation more distinct than that proposed to be adopted between England and Ireland, yet the effect of Federation would be even then, if the system lasted, the same as elsewhere. He was not one of those who believed that Ireland had lost her nationality. He hoped she never would lose it, but he would be deceiving his countrymen if he held out to them expectations that any system of Federalism would realize the glorious visions pictured to some of their imaginations. The hon. Member for Limerick did not place his proposal in any such light before the House. In his opening speech he stated it to be simply a proposal for enabling the Irish people to exercise real control over their own laws, such as was now enjoyed by England, and, regarded in this light, it was not a proposal this House ought to refuse to entertain. Under these circumstances, he would vote for going into Committee, but with the distinct understanding that he would be no party to professing the belief that, if granted, this Federalism would accomplish anything beyond what was suggested in the speech of the hon. and learned Member for Limerick.

MR. VERNER: The position, Sir, is so changed in Ireland, the circumstances are so different from those which existed in the last century, that the proposition of the hon. and learned Gentleman the Member for Limerick (Mr. Butt) could hardly, even if it were advisable to do so, be carried out. If you alter the Parliamentary government of Ireland, and give "the right and power of managing exclusively Irish affairs in an Irish Parliament," as the hon. and learned Gentleman would have them, you will deal a more deadly blow at the well-being of that country than almost any which a sometime evil policy has dealt in the past. Looking back over the last 70 years, we see that Ireland has generally progressed—in spite of various drawbacks; in spite of a famine which spread like a pall over the land; in spite of what, to my mind at least, was frequently a pernicious policy, carried out by Whig or by Tory; and—I must add, Sir—in spite of such speeches as that which we have just heard from the hon. Member for Galway (Mr. Mitchell Henry). But the province which has outrun all the others in energy, in industry, and consequently in material prosperity, has been Ulster.

And what is the secret of Ulster's success? Why is it that the people who occupy that part of the Island least favoured by nature, and which is so lightly esteemed in that respect that it is spoken of as the Black North—why is it that those people have been more successful in the battle of life than the inhabitants of the other provinces? I will tell the House, Sir. It is because they follow the golden rule of minding their own business, and not interfering or meddling in the affairs of their neighbours. In one sense they suffered as much as—perhaps even more—than their fellow-countrymen in other parts by the Union; but they set before themselves the task of deriving what good they could from it, instead of wasting the land and the people by constant and wicked agitation. The bane of Ireland, Sir, has not been the Union, but it has been the spouters and newspaper writers—fomenters of restlessness and sedition—some of whom have boasted that they had been in prison for what they euphemistically called their country's cause; and the grievance—the real grievance—which the industrious classes of Ireland have against England is the encouragement which the latter country has given to such persons—the way in which she has fostered and caressed them. The hon. and learned Gentleman said that Ireland was "subject to a system of coercion more galling and oppressive than existed in any civilized European State." The industrious classes, Sir, do not suffer from this system—they do not cry out against it; and if there is any point or logic in the hon. and learned Member's proposition, it is this—Give us a Legislature which will remove these restrictions, which will let loose these turbulent people, which will remove these safe-guards. And what is to become of the industrious classes when this happens? We have had abundant evidence during this Session that every institution would be assailed, everything which we think good would be done away with, everything bad strengthened, if the party which the hon. and learned Gentleman leads had its way in Ireland; and I ask, would they so eagerly advocate this change did they not expect to rule when it was accomplished? If you desire to see a sample of what an Irish Parliament would be like, you have only to turn to the Dublin Town Council. If I had not

Mr. Verner

known it before, inquiries which I instituted with reference to a Bill lately before the House would have opened my eyes to the opinion generally entertained of that august body. I may sum it up in the words of a leading Queen's Counsel, one of the Representatives of Tipperary in the last Parliament, and who is now engaged in a sensational trial in Dublin—"The Liffey would cease to flow before the Corporation of Dublin ceased to debate." But, Sir, if the Liberal Members are divided on this subject, the Home Rulers themselves are far more so. An hon. Member, who has been second only to the hon. and learned Gentleman himself in prominence and activity on this subject during the last two years, gives this opinion in a letter in a Dublin journal—

"To proceed on the present line is fatal; for of all the impracticable schemes which human ingenuity could invent, I regard the Conference programme as the most impracticable."

Well, there was a Conference held in the Dublin Council Chamber, I believe, last winter, and at that Conference the plan of the hon. and learned Gentleman was propounded. The Resolution which the hon. and learned Gentleman now proposes is identical, or almost identical, with one which was passed at that Conference; and the hon. and learned Gentleman, in his speech on Tuesday, said that he "thought that he had devised a plan which would satisfy the just wishes of the Irish people." It may satisfy the exigencies of the hon. and learned Gentleman for the moment; but it does not satisfy the wishes of the Irish people. I could not give a better authority for this than the hon. Member for Westmeath (Mr. P. J. Smyth), from whose letter I have already quoted. He writes—

"When I said at the Conference that if it was the will of the nation to accept that programme I would go with the nation, I had reason to assume that the voice of the Conference was the voice of the country. I soon learned the contrary. I know now, for positive certainty, that it was not the voice of the country."

I should like, if the hon. and learned Member (Mr. Butt) was now in his place, to ask him, does he represent the voice of the Conference or the voice of the country? Because, according to the above authority, they are very different things. But, Sir, the gravest objection to the proposition is that which under-

lies most of the objections to Home Rule in Ireland, and which is put prominently forward by an Ultra Liberal English newspaper—*The Spectator*—and that is the religious objection. The hon. and learned Member affected to sneer at it on Tuesday; but it must be remembered that the Home Rule Members are pledged to denominational education. An Irish Parliament under present conditions would be an Ultramontane Parliament. We do not—I am sure I do not—object to the presence of enlightened Roman Catholics; but if there was an Irish Parliament, Sir, His Holiness the Pope would, through Cardinal Cullen, govern Ireland; and, objecting as the people of Ulster do to the immense power which that ecclesiastic at present possesses, they would be unwilling to be left entirely at his mercy. The hon. Member for the county of Derry (Mr. R. Smyth) is perfectly right when he says it would be prejudicial to the material prosperity, and dangerous to the peace and independence of the Irish nation if the hon. and learned Gentleman's proposition were passed. As Representative of a constituency which has long been noted for its attachment and loyalty to England and the British connection, I have felt bound to raise my voice against it, and to warn the House of the evil consequences of entertaining it.

THE O'DONOGHUE said, although it was well known this Motion would not lead to what might be termed a Parliamentary result, the subject of discussion was very serious. It was, perhaps, the only question of which it might be affirmed with entire truth that it never would be a Party question. There was much in the manner of many hon. Members who supported this Motion which might lead the House to imagine—to use a familiar phrase—that it was only a joke. Nevertheless, it seemed to him to be the duty of the House generally, and of every individual Member who fully realized the responsibility of his position, and did not agree with certain hon. Gentlemen, to treat their proceedings on this occasion with the sternest reprobation. Every look, every word, ought to be carefully watched; for the slightest symptom of acquiescence with the Motion would be used as a pretext for perpetuating in Ireland what he must be permitted to call a gross and mischievous delusion. It was said that the Home

Rule movement was a Constitutional movement, and great stress was laid upon this, as if it were a wonderful concession, an act of condescension. He, for his part, declared it to be a violation—an abuse of constitutional rights, and a compromise concocted by those who would not face the perils and the penalties of Fenianism. It appeared to him, however, from the speech of the hon. and learned Member for Limerick (Mr. Butt), that he was literally oppressed by the difficulties of his task; that he could not extricate himself from the consciousness that he was doing something which he ought not to have been doing; that he had no real sympathy with the policy he recommended, and no faith that it would ever lead to any beneficial result. The hon. and learned Gentleman knew that the overwhelming majority of the House looked upon his Motion with disfavour. The natural instincts of every true Englishman and Scotchman predisposed them to union as a means of consolidating the strength and perpetuating the power, prosperity, and happiness of the people of the Empire; but the proposal of the hon. and learned Gentleman was an insidious and treacherous assault upon the principle of unity, and all that depended upon it. There was not an Englishman or Scotchman endowed with the most ordinary intelligence, capable of forecasting the future even in the most limited sense, who could read this Motion without a feeling of indignation; and he could imagine sensations of a very different kind coming from the hearts of many who during the last few years had taken an active part in public life. If one thing more than another recently marked the progress of future events in Great Britain, it had been the desire manifested by all classes to conciliate the majority of the Irish people; to atone for past misgovernment; and, if possible, even to efface the memory of the past by an absolute reversal of the system of bygone days. With this view the Church was pulled down from her position of ascendancy, and the tenants of Ireland, after mature deliberation, were invested with new and unheard of claims upon the landlords and the soil. As a happy corollary the voter was emancipated, and the Parliamentary Representatives of Ireland became for the first time the free choice of the constituent body and of the whole people.

And what is the secret of Ulster's success? Why is it that the people who occupy that part of the Island least favoured by nature, and which is so lightly esteemed in that respect that it is spoken of as the Black North—why is it that those people have been more successful in the battle of life than the inhabitants of the other provinces? I will tell the House, Sir. It is because they follow the golden rule of minding their own business, and not interfering or meddling in the affairs of their neighbours. In one sense they suffered as much as—perhaps even more—than their fellow-countrymen in other parts by the Union; but they set before themselves the task of deriving what good they could from it, instead of wasting the land and the people by constant and wicked agitation. The bane of Ireland, Sir, has not been the Union, but it has been the spouters and newspaper writers—fomenters of restlessness and sedition—some of whom have boasted that they had been in prison for what they euphemistically called their country's cause; and the grievance—the real grievance—which the industrious classes of Ireland have against England is the encouragement which the latter country has given to such persons—the way in which she has fostered and caressed them. The hon. and learned Gentleman said that Ireland was "subject to a system of coercion more galling and oppressive than existed in any civilized European State." The industrious classes, Sir, do not suffer from this system—they do not cry out against it; and if there is any point or logic in the hon. and learned Member's proposition, it is this—Give us a Legislature which will remove these restrictions, which will let loose these turbulent people, which will remove these safe-guards. And what is to become of the industrious classes when this happens? We have had abundant evidence during this Session that every institution would be assailed, everything which we think good would be done away with, everything bad strengthened, if the party which the hon. and learned Gentleman leads had its way in Ireland; and I ask, would they so eagerly advocate this change did they not expect to rule when it was accomplished? If you desire to see a sample of what an Irish Parliament would be like, you have only to turn to the Dublin Town Council. If I had not

Mr. Fernald

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The action of Parliament had been a declaration by England and Scotland that the reign of repression, of passion, of prejudice, had passed away, and that thenceforth all the advantages legislation could confer were within the reach of Ireland. What had happened? In defiance of every consideration of gratitude, of common sense, and of patriotism, the hon. and learned Member for Limerick, who for some years had been somewhat in the position of a frozen-out politician, assisted by one or two newspaper editors, whose mission it was to misrepresent the object and motives of every concession, or turn them into instruments for assailing the Imperial Constitution, seized upon the moment which seemed the most opportune for the formation of an Association which sought to pledge the Irish people to withhold their confidence for ever from the Imperial Parliament, and never to cease from agitation until they had secured what was well known to be unattainable while the arm of England could wield the sword. Let not the House suppose that he looked upon the proceedings of these organizers as mere idle talk. It was a great mistake to treat the movement as one of those mild political fevers to which the Constitutional system not only was liable, but which it generated, or to classify it with the agitations for Catholic Emancipation, on the Land question, or for the disestablishment of the Church. It was the most formidable political movement that ever existed in Ireland; because the people were now for the first time in full possession of their constitutional rights, and were startled by the voices which told them that it was their duty as Irishmen to use those rights, not for the purpose of obtaining certain necessary reforms in union with their brethren in England and Scotland, but of separating themselves for ever from a Parliament which they were told never had worked and never could work anything but evil for their country. It was upon misgovernment real or imaginary that the Home Ruler had to rely. If he abandoned this position, he had no ground to stand upon. He pointed to abuses and said, "Look there!" He dared not note any signs of an improving temper in the future, for to admit even a ray of hope would be fatal to his game, so that if he referred to recent legislation it was

only to scoff and laugh at it. Whatever merits our institutions might claim in the abstract, whatever credit Englishmen might claim as the friends of civil and religious liberty, were either denied or kept out of sight, or completely neutralized by representation; that, in spite of anything which might appear to the contrary, there existed in this country an ineradicable hatred towards Ireland. That was the Home Ruler at home. Here he was a much tamer creature, and did not escape being suspected by earnest mistaken men, who had no notion of resting content with having elected a few Members of Parliament who might come to a secret understanding with the enemy. In *The Freeman's Journal* of last night he found a report of a speech which contained a very fair specimen of the oratory of the Home Ruler at home. He did not know whether that speech was delivered in this House, for he did not hear it, nor did he know anyone who had heard it, but it was represented as having been delivered by the hon. Member who had recently taken his seat for the county of Mayo (Mr. O'Conner Power), and it was interspersed with all the indications which marked the progress of a great oration. The hon. Member was represented to have said, "The only way in which you could make it appear——"

CAPTAIN NOLAN: I rise, Sir, to a point of Order. Has the hon. Member any right to quote from a speech which he himself has declared no one heard in this House?

THE O'DONOGHUE: I did not say that no one heard it, but that I did not know of anyone who had.

MR. SPEAKER: The matter to which the hon. Member has referred is relevant to the subject-matter of debate.

THE O'DONOGHUE said, the report of the hon. Gentleman's speech contained these words—

"The only way in which you could make it appear you were justified in your oppression of Ireland was by showing that the Irish were less than human, and, as such, in no way entitled to the rights of citizenship. Your Press, your platform, your pulpit give expression to the unalterable hate, the indescribable contempt, you entertain towards the Celtic race."

This was a specimen of the genuine article, without any of that adulteration of which the hon. Member who presided

over their whiskey department had such a horror. The result of the action of the Home Rule Association was to foster and develop among a section of the community a feeling of hostility to Parliament and the Government, of which those could have but a faint conception who had not come into contact with those people—a feeling which had been accurately described by the right hon. Gentleman the Prime Minister as a state of “veiled rebellion.” The agitation of other questions might produce a temporary excitement, a passing irritation; but the distinguishing characteristic of the Home Rule movement and of every movement for the establishment of a separate Legislature was a persistent and gradual process of alienation. The whole fabric of Government was attacked, Parliament was pointed at as the very fountain of evil, and the voice of hate was poured unceasingly upon the popular ear, so that the most beneficent acts of legislation were like seeds scattered upon barren or stony soil. The Imperial Parliament thought it had done a great thing when it passed the Church and Land Acts, and he was of the same opinion; but the orators of the Home Rule Association were at their posts, and shouted into the ear of the people that these acts were concessions to fear, and they called upon the nation to gird itself for a final and crowning effort of intimidation. This it was that made the Home Rule movement dangerous and formidable. The object of its leaders was to estrange the people from the Government, to inculcate the duty of sullenly standing aloof, and to eradicate from the public mind all those sentiments which induced men to live harmoniously together. Could anyone doubt where all this was leading to, or for what it was a preparation, no matter what might be the intentions or declarations of its nominal leaders? The natural and inevitable consequence of this policy was civil war. It was impossible to rouse with impunity the passions of millions of men, or to regulate the glow so as to produce the exact amount of heat that might be deemed safe by the managers. In 1842 the great Repeal movement was initiated by O’Connell, who was a real leader. No man who ever lived was more averse to bloodshed, or a more sincere advocate of moral force. For years his will was

the law of millions; but in spite of all he could do or say, the inevitable tendency of his policy was to inflame the minds of the people against England, and they thus irresistibly took the direction that led to the unfortunate outbreak of 1848. The name of the hon. and learned Gentleman the Member for Limerick was inseparably associated with the great Repeal movement of 1842. He was the David who stood forward on behalf of the enemies of Repeal to do battle with O’Connell. This was in the days when Ireland had real grievances; when the constitution, so far as the great body of the people were concerned, was little more than a name; when the representation of the people in Parliament was little more than a sham; when the principle of Catholic exclusion, though abandoned in theory, was rigidly adhered to in practice; and when the Tory party seemed firmly fixed in power. O’Connell saw that the time had come when a supreme effort should be made to get rid of the Parliament that was responsible for all this injustice, and he raised the cry of Repeal, more than 3,000,000 of Repealers flocking to his standard. At that time the present hon. Member for Limerick—the Father of Home Rule, as he was called—had no sympathy either with O’Connell or with the majority of the Irish nation, but asserted, and did his best to prove, that to repeal the Union would be to ruin and degrade Ireland. His zeal carried him so far, that he instigated the Government of the day to prosecute O’Connell, and, as a member of the Dublin Corporation, gave notice that he would move for the discharge of the Corporation law agent, an old and faithful servant, who had taken some part in the formation of a body known as the Repeal Cavalry. He on another occasion said that the whole Protestant population of Ulster would rally round the Minister of the Crown. He would ask the House to consider the astounding inconsistency of the present position of the hon. and learned Gentleman compared with what it was in 1842. When the Imperial Parliament was an aggressor, and the people were excluded from it, he supported it; now that it had conferred freedom upon all, he called upon the people to renounce all confidence in the Imperial Parliament. The Catholics and Protestants were now all equal; the

and learned Member's system of Home Rule the local rates must be the subject of his financial experiments, and he could not avoid increasing the local burdens, especially if he did anything in the way of draining bogs and reclaiming mountains to satisfy that distinguished autonomist the hon. Member for Mallow (Mr. MacCarthy.) Indeed, it was admitted by so high an authority as the hon. Member for the county of Galway (Mr. Mitchell Henry) in a letter to *The Times*, that Home Rule would increase local taxation in Ireland. It was true the hon. Member endeavoured to explain away what he knew would create great alarm by referring to some wonderful counterbalancing advantages, which, however, he did not specify, and which, it was to be suspected, were of rather a shadowy character. As to the suggestion that the Irish private business now transacted before Committees of that House should be transacted in Dublin, his hon. Friend the Member for the county of Carlow, would remember that he consulted with him long since how that could best be attained. It would be very hard to find a Session more unfortunate than the present for the arguments of the hon. and learned Gentleman. Her Majesty's Government had evinced the best dispositions to deal with Irish questions, and the right hon. Baronet the Chief Secretary had shown not only that he shared their general feeling in that respect, but that he possessed in an eminent degree all the capacity requisite for fully carrying out their wishes. Though differing from the Government politically, he looked forward to their administration conferring many advantages on Ireland, and he had as much confidence in their administration of the law and their determination to act impartially between all classes as any of those who sat behind them. It would not do for the hon. and learned Member and his friends to meet in some secluded corner—prepare a number of Bills, throw them on the Table, and say—"Pass these measures, or admit your incompetency to legislate for Ireland." If he wished his Bills to pass—no matter on what side of the House he sat—he must not exclude the general body of Members from his councils; he must consult with them through their recognized Leaders. If he did not wish

them to pass, he would adhere to his present course of isolation. Again, he could not admit that every Notice put on the Paper must be taken as an utterance of the public voice in favour of that proposal. His experience led him to think that the House always found time to pass measures for which there was a real public demand. It would be a great misfortune if they were not allowed a little time to dwell on those measures or those crotchets; but even supposing the hon. and learned Member for Limerick really represented public opinion in Ireland, he must deny that the House of Commons could fairly be held to be responsible for the decay of which he complained. The hon. and learned Gentleman had referred to 1782 and he would tell him that an Irish House of Lords would not be likely to pass any measure which was advocated by him or his friends. But as matter now stood the majority of the Irish Members could, he believed, direct the affairs of Ireland in that House, provided their proposals could stand the test of argument and were not disfigured by any of those flaws for which many of his hon. Friends, and especially his hon. Friend the Member for Edinburgh (Mr. M'Laren), had so keen an eye. It would not for a moment, he thought, be denied that the chance of success on the part of the Representatives of Ireland would be immensely increased if they could only produce the impression that they loyally accepted their position as Members of that House, and were desirous, among other considerations, of increasing the confidence of the Irish people in the Imperial Parliament. Before sitting down he wished to add his testimony to what had already been given as to the increasing prosperity of Ireland. In that part of it with which he was best acquainted—the county of Kerry—every man, woman, and child bore about them on their persons the signs of improvement. They were all better dressed and possessed in a greater degree the substantial comforts of life. The wages of the agricultural labourer had gone up, and he confidently expected they would go up still higher. In the various schools of the county the whole youth of the humbler classes were to be found, and with education, honesty, and industry success was open to every man, while

The O'Donoghue

those principles, to accept their constitutional rights in the spirit in which they had been given, and to use them for the purposes for which they were intended. The hon. and learned Member for Limerick, who, having long been the enemy of Mr. O'Connell, now assumed to take his place, must allow him to tell him that he looked upon him as something very different from that great man. Mr. O'Connell was the leader of millions, and proved, by his every word and act, that he would never have descended to become the tool of a revolutionary faction, to be used as long as they found him sufficiently mischievous, and then be thrown aside. He (The O'Donoghue) denied that the majority of the Irish people had any faith whatever in the Home Rule movement as it was put before Parliament by the hon. and learned Gentleman. Those who claimed to be the most earnest and most practical of Irish patriots had long since avowed their utter disbelief in the power of a Parliamentary movement to achieve the separation of the Legislatures. The Fenian movement of 1865 was their terrible protest against the futile policy of those whom they stigmatized as Parliamentary agitators. They had no idea of lending themselves to the aims of men who sought to display their extraordinary talents to a Parliament which they intended to dismember. They would employ Members of Parliament as the most effective instruments for maturing and developing that state of feeling in Ireland which he had described at an earlier stage of his observations. They knew that a succession of Parliamentary campaigns would not advance matters one step in their direction; and results were what they wanted. They would insist on their Members, by degrees, subscribing every article of the revolutionary creed. They would not allow the hon. and learned Member for Limerick to plant an annual in the Parliamentary garden, to come over year after year to superintend its growth, and then to return on the steamer with a sprig in his buttonhole to show how his root was flourishing. It was painful to see how many hon. Gentlemen had been forced into very dubious attitudes by what they had been compelled to promise. They were practically in the position of the renowned juggler who announced that he would take

a running jump into a pint pot. Their performances as advertised were equally feasible. It was clear that many of those hon. Gentlemen were anxious to take things easy; but the hon. and learned Member for Limerick, at the great Home Rule Conference held in Dublin, gave them a hint of the lengths to which he was prepared to go. In a fit of enthusiasm he let out that neither he nor his Colleagues would meet a British Minister at any table but the Table of that House—[Mr. BUTT: No.]—and he astonished his hearers by declaring that henceforth he and his Colleagues were to add the ambassadorial to their representative character. In that movement time was everything, and a new scheme was now set on foot for the purpose of obtaining the signatures of every man, woman, and child in Ireland, and he believed of the Irish race out of it, to a paper expressing their approval of that Home Rule agitation, the genuineness of their autographs to be attested by the deposit of 1s. It had been decided by a high authority that no man's political opinions were to be deemed thoroughly reliable unless he was prepared to back them by a small cash payment. But all those proceedings from beginning to end, including the Motion now before the House, were so much trifling—so many devices to put off that day, which hon. Members ought to know must soon come, when they would have to tell a people—not, he hoped, excited to rebellion—that the pledges and promises made to them could not be redeemed, as the dismemberment of the Imperial Parliament by Constitutional means was an impossibility. The Motion of the hon. and learned Gentleman was suggestive of many topics. As to the assertion that it proposed simply to confer on Irishmen the power of managing their own local affairs, was it not the fact that every county in Ireland now, to a very great extent, did manage its own local affairs, and had in a very great degree complete control over its own local resources? Was there a county in Ireland where the magistrates and the cess-payers, who were the farmers, could not tax themselves quite as much as they were disposed to do for any work proved to be of public utility? And it was intended to add to the powers of local bodies, and to make them more thoroughly representative. Under the hon.

THE O'DONOGHUE: Sir, I rise to Order. I am entitled to ask the hon. Member where the passage he has read is quoted from, for I doubt his accuracy.

MR. O'CONNOR POWER replied that the quotations he made were from the public newspapers.

THE O'DONOGHUE: What newspaper?

MR. O'CONNOR POWER: *The Nation*. Moreover, he was authorized to say that the proofs of the very speech from which he was quoting had been corrected by the hon. Member himself. Well, this very interesting speech of the hon. Member went on to say—

"The representatives of English power in this country may be able to imprison or to banish our patriots; they may suppress our meetings; but let me tell them there is something which they can never suppress till they banish the Irish race, and that is the spirit of patriotism and the longing for self-government, which is the inevitable result of that patriotism."

Further on the hon. Member said—

"We have come together for the purpose of declaring in the name of Ireland that Irishmen will never rest tranquil or satisfied till they have secured for themselves the blessings of a native Parliament."

He (Mr. Power) saw no objection whatever to analyzing the causes of a change of opinion with regard to national questions in Ireland. Although the House might listen very attentively to the expression of opinions, nevertheless it could not fail to ask what motives might have actuated the speaker. If somebody rose in his place who was recorded in the book of the House, as the hon. Member for Mayo, other hon. Members might attribute to him the motive of trying to gain public approbation. Sentiments which came from the Treasury Bench or from Ministerial quarters were naturally attributed to a desire to maintain the power of the Executive; and no surprise was felt when Representatives whose associations made them Conservative gave expression to Conservative principles. Now, he would not pretend to be sufficiently sagacious in judging men, or sufficiently acquainted with the careers of Irish Members of Parliament, to be able to analyze the causes which had enabled the hon. Member for Tralee to take so great a political rebound, as the speech he had just delivered showed he had made, since he addressed that excited meeting in the Rotunda at Dublin. But, adopting means which he thought

would be satisfactory to every impartial man in that House, he would make a quotation from another speech of the hon. Member, in which he said—

"It is melancholy to observe how a patriot falls. There are few to remind him of his duty, and the power of the seducer is great. It is easy to perceive that there is an interior struggle going on, for he has the look of a man who is trying to make himself think that he is doing right but cannot succeed, and who is ashamed of himself."

THE O'DONOGHUE: I ask, Sir, for the date of this speech; I doubt the accuracy of the quotation.

MR. O'CONNOR POWER: I am quoting, Sir, from a pamphlet issued by the orders of the hon. Member for Tralee, and published at *The Nation* office in Dublin.

THE O'DONOGHUE: The date, Sir. I ask for the date.

MR. O'CONNOR POWER: 1861. The rest of the passage was as follows:—

"How the Whips first act upon him—whether they begin by sending him in the morning neatly-printed invitations to come down in the evening to support the Government, which is confidential, or whether they begin by staring at him, I cannot tell. The first dangerous symptom is an evident anxiety on the part of the patriot to be alone in corner with the Government Whips. If you happen to pass him he tries to assume an air of easy indifference."

—such as might have been noticed in the phrases of the hon. Member for Tralee that evening—

"and utters a monosyllable in a loud voice. An evening or two afterwards, when the Ministry can scarcely scrape together a majority, the patriot votes with them, and remarks to his friend the Whip that it was a close thing. From bad he goes to worse, taking courage from himself from the idea that nobody knows him in the great wilderness of London. He gets up early and slips down a back way to the Treasury, and all is over."

If the House would grant him their indulgence for a few moments, he would press within the smallest possible limit his views with regard to the subject now before them. First of all, he would say that he regretted very much the tone and temper adopted in the first instance by the right hon. and learned Gentleman the Attorney General for Ireland, and more recently in the debate by the right hon. Baronet the Chief Secretary for Ireland. The right hon. Baronet had alluded to the possibility of force being used to settle the question, and in doing so had introduced an element into the discussion which had much better have

been left out. Such an argument would never have been employed if the right hon. Baronet had had a larger Ministerial experience. Considering the perfectly constitutional character of this movement had been admitted by hon. Members in all parts of the House, no good object could be achieved by threatening the people of Ireland with the terrible consequences which might follow on unconstitutional assertion of their rights. When the language of the right hon. Baronet was read in Ireland people would say—"It was not to deter intending rebels that that speech was delivered; it was a desperate attempt to crush freedom of speech on the part of Representatives of Ireland." Viewing the matter to some extent in that light himself, he must take the liberty of telling the right hon. Baronet that they would not be driven from the temperate, manly, and constitutional advocacy of this cause by the false prophecies in which he had indulged, or by the threats which he had hurled at their heads. It had been a matter of complaint that the hon. and learned Member for Limerick had not given the House a definition of what was meant by Home Rule; but, as hon. Members seemed to find every form of the proposal for self-government bad, it was strange that they should trouble themselves about a definition. What an advocate of a great constitutional change had first of all to do was to endeavour to convert a majority of the House to the general principle involved. For himself, although he regarded Federalism as the most logical basis on which a perfect union between Great Britain and Ireland could be secured, yet if they did not like Federalism he would be willing to accept any other mode which the House might devise for giving self-government to Ireland, provided that it really gave self-government—provided that they did not attempt to satisfy it with a mere vestry. Anyone who imagined that because large public meetings had not been held in Ireland, the masses of the people did not wish for Home Rule, fell into a very great mistake. Some two years ago the hon. and learned Member for Limerick stated in a letter, published in the newspapers, that it had never been intended the Home Rule Association should become a great popular organization; that, on the contrary, he was content to have

recourse to the safer and more ordinary means provided by the Constitution for the expression of public opinion in Ireland. And because he had not imitated previous agitators in rousing the passions of the people, but had abstained from the course which the hon. Member for Tralee had so unsparingly denounced, that was made a reason for hon. Members rising and saying that self-government was not demanded by the majority of the Irish people. In reply to some observations which were made by an hon. Member opposite as to the composition of the Home Rule Conference in Dublin and the requisition calling for that Conference, he had to say that that requisition was signed by members of the influential classes, and that that Conference was the first great national attempt made in Ireland to attract public attention to the cause of Home Rule. He believed that Conference was one of the most thoroughly representative assemblies that had been held in Ireland to consider a great national question for the last 50 years. That Conference contained 25 Irish Members of Parliament. Magistrates, professional men, and clergymen of all denominations were present at that Conference. On the question of Home Rule, the people of Ireland expressed their opinion at elections which had just been held. He thought hon. Members, in making up their minds on this question, should not forget that the struggle which had been going on in Ireland, on the one side for self-government and for the supremacy of England on the other, had been waged at very great disadvantage on the part of the people of Ireland; and when they found them not merely contending against that principle of English supremacy for 74 years, but as strong in their opposition to it that day as they were 700 years ago, he thought hon. Members would not look upon the cause of Home Rule as a phantom or a delusion. That cause had a substantial existence in Ireland, and the people of Ireland were determined that she should no longer be treated as a trampled Province, but should take an important part in the management of the world's affairs.

MR. ROEBUCK said, in endeavouring to address the House he must ask their indulgence, because at present he was physically unable to do justice to the great task he had set himself.

Hon. Members might ask, "Why did he undertake it?" His answer was, because he took it to be the consummation of a long political life. He wanted before he left the House to express his opinion upon this great question, which he thought was really vital to the interests of this great country. They had to decide upon a question which at the very outset presented a difficulty—namely, the difficulty of knowing what was the question. On one side there were this great country and Ireland. They were united under one Constitutional power; they were a great people, maintaining a great influence in the world's affairs, and exercising great weight in the opinions of mankind. On the other side they had offered to them what was said to be a separation of Ireland from England upon Federal principles. It was said that Ireland was merely to have the consideration of Irish affairs, while England should undertake all that was really Imperial. But Englishmen could not help feeling that they approached this question from a different point of view from that which was taken by Gentlemen from Ireland. The position which he held in the House was that of a Member of a United Parliament. He did not regard himself merely as an Englishman, he was not a Scotchman, he was not an Irishman; but he was a Member of the United Parliament of the Three Kingdoms. He had to consider what was best for the interests not of one particular portion of the country, but of all the countries of the United Kingdom. He had to ask himself whether this proposition to give a limited Parliament to Ireland was for the benefit of the whole United Kingdom. The arguments that had been used in support of this Motion were arguments which, if carried to their natural and logical conclusion, would call back the Kingdom of Wessex and re-establish the Heptarchy. That was the real effect of the arguments of hon. Gentlemen who had talked about Nationality. Now, there was no Irish Nationality; there was no English Nationality; there was no Scotch Nationality; but there was the Nationality of the United Kingdom. That was his Nationality. To that he clung, and he called upon hon. Gentlemen who represented Ireland to desist from talking about a fantastic Irish Nationality, and calmly to consider this question in

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the large and generous spirit in which he wished to address himself to it. [The hon. and learned Member here paused and seemed unable to resume his address. After short hesitation, he said, "My force fails me" and sat down, amid marks of sympathy.]

SIR COLMAN O'LOGHLEN said he desired to make a few observations before the debate closed, particularly after the speech which had just been made by the hon. Gentleman the Member for Tralee (The O'Donoghue). He agreed with the hon. Member that this was not a measure solely affecting Ireland, but that it was one affecting the Empire at large. He rejoiced that the hon. and learned Member for Limerick (Mr. Butt) had brought this question before the House, because, having regard to what occurred at the General Election and to the number of Irish Members who came to that House pledged to support Home Rule, he thought it but right that this question should be fairly discussed, and that the reasons upon which hon. Members supported this Motion should be put before the country at large. The ground upon which the majority of the people of Ireland demanded Home Rule was that, in their opinion, Imperial legislation had failed in Ireland, and that there would never be a contented people in Ireland until it had the power in some degree of making its own laws. Under the present system of Imperial legislation, Committee after Committee had sat to investigate the condition of Ireland, and from time to time her constitution had been suspended, and the Irish people deprived of those rights which were the pride and glory of Englishmen. When the history of the 19th century came to be written, would the fault of this state of things be laid to the turbulence of the Irish people or to the mis-government of England? During the debate of 1844, which lasted nine nights, the present Prime Minister made the speech, so often quoted, in which, after describing Ireland as a country with the largest population in the world in proportion to its size, he used the following terms:—

"That dense population in extreme distress inhabited an island where there was an established Church which was not their Church; and a territorial aristocracy, the richest of whom lived in distant capitals. Thus they had a starving population, an absentee aristocracy, and an alien Church, and, in addition, the

weakest Executive in the world. That was the Irish question. Well, then, what would hon. Gentlemen say if they were reading of a country in that position? They would say at once, 'The remedy is revolution.' But the Irish could not have a revolution; and why? Because Ireland was connected with another and a more powerful country. Then what was the consequence? The connection with England thus became the cause of the present state of Ireland. If the connection with England prevented a revolution, and a revolution were the only remedy, England logically was in the odious position of being the cause of all the misery in Ireland."—[3 *Hansard*, lxxii. 1016.]

Of course, it would be said that times had changed since then. This he admitted; but, nevertheless, that language truly, in his opinion, described the state of Ireland 44 years after the passing of the Act of Union. The right hon. Gentleman had since said the speech just referred to was "heedless rhetoric." It might have been "heedless rhetoric," but it contained truths which, when spoken, sank deep into the minds of the Irish people, and much of it was there still. The teeming population had, indeed, been got rid of by the fever shed and the emigrant vessel, and the alien Church had been abolished through the exertions of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone). But Ireland still had an absentee aristocracy spending their money in the distant capitals of Europe, and also the weakest Executive in the world. The Executive was weak because it was opposed to the feelings of the Irish people. In theory, English and Irish Government were the same, but in practice they were quite different. In England every wave of public opinion was carefully watched, but Ireland was not governed in accordance with the views and feelings of the people. Very few Lord Lieutenants were Irishmen, and not more than four or five Irishmen had filled the office of Chief Secretary since the Union. The noble Marquess the late Chief Secretary (the Marquess of Hartington) had asserted that Ireland had been brought so close to England by modern science that she might be almost regarded as an English county. However this might be, the two countries had not been brought so close together as to induce English Ministers to visit Ireland. An American would scarcely believe that neither the present nor the late Prime Minister had ever set foot on Irish soil. The

right hon. Gentleman opposite (Mr. Disraeli) might have read in *Moore's Melodies* of the "Vale of Avoca" and the "Meeting of the Waters," and perhaps he might have learnt from the columns of *The Times* that Dublin, Cork, and Belfast still existed in spite of the passing of Catholic Emancipation, of the Church and Land Acts, and of the other measures which it was said would entirely destroy the material prosperity of Ireland. But never had the right hon. Gentleman stood on Irish soil and gazed on the "melancholy ocean," which he once described as the main source of the evils of the country. How was Ireland governed? As a rule, the noble Lord who was sent to discharge the duties of Lord Lieutenant, and the Chief Secretary, who was sent to assist him, got all their information from officials in Dublin Castle, being themselves entirely ignorant of Irish affairs, and therefore obliged to go through a sort of education which was equally painful to the master and the scholar. Referring to the speech of the hon. Member for the county of Londonderry (Mr. R. Smyth), the right hon. Baronet said: Catholic Emancipation was not passed voluntarily by the Imperial Parliament. It was not till the country was on the verge of revolution that the Duke of Wellington, yielding to fear, advised Parliament to pass the Bill. In like manner, the Church and the Land Acts were, in reality, the result of the Fenian insurrection. How long was that state of things to last? What were the remedies proposed? One remedy proposed was revolution, but that was absurd. Another was to do by Imperial legislation that which revolution would accomplish. The right hon. Member for Greenwich attempted this—in other words, he attempted to govern Ireland in accordance with Irish ideas; but the Imperial Parliament would not allow him to do so, and he had to give up the attempt. Another remedy proposed was to increase the number of Irish Members in that House; but English and Scotch Representatives would never give their assent to that suggestion. The only remaining remedy, therefore, was to give the Irish a Parliament of their own, and to let them make laws for themselves. During the present Session, upwards of 30 Irish Bills had been introduced into that House which could have been far

better disposed of by an Irish Parliament. It was said a difficulty would arise under the scheme now proposed if, in the event of war, it should become necessary to place a tax upon Ireland; but the answer was that of course the Imperial Parliament would have power to tax Ireland for Imperial purposes. Very lately Iceland had been pacified by the granting of a new Constitution and the establishment of a Federal Parliament. He would advise hon. Gentlemen to consider what had been done in Iceland in order to show that a Federal Parliament was consistent with Imperial Government. The question now before the House could not be sneered at. It was backed by three-fourths of the Irish people, and even in Ulster it had many supporters. The national feeling was in favour of it. It was a movement which enlisted the strongest degree of interest in the hearts and desires of the Irish people, and the agitation for Home Rule would go on and increase until it was conceded.

MR LOWE: I shall trouble the House but for a few minutes, and I would not do so at all if I did not think that I had some small contribution which will enable you to come to a right conclusion upon this subject. I entirely agree in everything that was said by my noble Friend (the Marquess of Hartington) the other night, and therefore I need not travel over the same ground as he went over. But it appears to me that this House has been more engaged with the reasons which are alleged for this change than with the nature of the change which is proposed. I would point out some of the consequences of the change which we are asked to adopt, that are well worthy of consideration. The hon. and learned Member for Limerick has been reproached for not explaining sufficiently what his plan is. I do not think he is open to that reproach. He says that he intends to invest Irishmen with full powers to legislate upon Irish affairs, reserving only Imperial powers to the Imperial Parliament. This he declares in his Resolutions, and in his speech he has also told us that he means that Irish Members are only to vote in this House upon Imperial questions, and not upon any other. Now, I undertake to show the House not only that this would be most difficult, but that it would be a moral impossibility,

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and that no scheme in the least resembling this could be carried into effect. In the first place, we are all familiar with the fact that the authority of an Act of Parliament in this country is absolute; that Parliament is omnipotent; and that, as the lawyers say, it can do anything, except make a man a woman or a woman a man. If a man disobeyed an Act of Parliament the only excuse he can offer for so doing is that he is physically incapable of complying with its requirements. If we should agree to this Motion, how then will matters stand? The Irish Parliament will have a power limited by the reservation in favour of the Imperial Parliament, and the Imperial Parliament will also have a limited power, the bounds of which it cannot transgress; and we shall have passed from our old Constitution into a written Constitution, something like that of the United States, having taken up all the landmarks that have distinguished the English Constitution from its beginning. We shall want some authority to decide when we are within, and when we are not within, the bounds of that authority. It must not be an English tribunal, for it would not be fair to Ireland that their rights should be decided upon by what would then be an alien tribunal. That authority must not be an Irish Parliament, because it would not be fair or right that its rights should be decided upon by a tribunal of another part of the Empire. And it must not be one that is neither English nor Irish, for that would be to place the validity or invalidity of our laws in other hands than ours. Thus we should have the anomaly of a man acting under an Act of Parliament and thinking himself safe, when all the while his act was illegal because the law was *ultra vires* of the body that passed it. There is another matter almost as clear. Suppose that on domestic questions on which the Irish are not to vote the Government is in a majority—suppose on Imperial questions on which the Irish are to vote that the Government is in a minority, you will say—The Government must resign. Yes; but how replace it? How is a Government possible, the very condition of whose existence is that it must be in a permanent minority either on Imperial or domestic questions? I do not scruple to say that such a system would absolutely destroy the possi-

bility of the existence of any Government. These things must be considered by the House before it consents to the change now proposed. The hon. and learned Gentleman proposes that there shall be still the same number of Irish Members as at present, only they are to have liberty of voting and speaking on Imperial questions, and no other. He thus proposes to foist on the present Constitution habits and practices foreign to this House. What will be the effect? Either the Irish Members would not be Members of Parliament at all or they would be very little Members. It puts me in mind of the question of Artemus Ward, "how much of a Mormon elder was married to each of his 84 wives." They are to be summoned when Imperial questions are to be decided; but it is not the practice of this House to set aside particular things for certain days, but for any Member to call attention to anything when and how he thinks proper. An Irish Member would have a right to speak and vote on a foreign question on going into Committee of Supply on the ground that it is an Imperial question. The next subject might have reference to the English Local Government Board, when Irish Members must turn out; but, according to the present accommodation afforded by the House, where could they go? A colonial question next arising, all the Irish Members would have to come back, and so this kind of see-saw would be continued each night, and night after night. When the Treasury Estimates came on a question might also arise whether Irish Members had or had not a right to vote on money matters, and the rest of the evening might be spent, not in going on with the Estimates, but in debating the indirect question, that might afterwards have to be settled by the international tribunal that would have to decide on the nature of the different Acts of Parliament. When the House was discussing non-Imperial questions Irish Members would have no right to be present. They would have no more right to be in the House than strangers, and if they wanted to continue their presence and hear the debates, the only way it could be done would be by their humbly applying to English or Scotch Members for an order to the Strangers' Gallery. [*Laughter.*] These things are, no doubt, ludicrous; but I

hope the House will not lose sight of the serious part of the question in the ridicule. This must be the effect of the measure we are asked to pass, unless the House is prepared to alter all their habits and proceedings to enable this matter to be worked. Before we vote upon the matter, we ought to be informed how these difficulties are to be met. One other thing ought to have an effect on Irish Members. They have contributed an enormous amount of ability and talent to the House of Commons in our time. There is nothing we can look upon with more pleasure than the brilliant ability they have displayed in this House; but, if this were passed, Gentlemen might possess all the eloquence of Flood, Grattan, O'Connell, and Sheil, and still must remain comparatively provincial, and all that splendid constellation of power would be lost altogether—a power we struggle after in vain to emulate, and can only admire. What have Irish Members done? What have the youth of Ireland done that they should be subjected to the proscription? I cannot believe that any Irish Gentleman, when he looks this side of the thing fairly in the face, can countenance it for a moment. I do not state this in any ill-spirit towards Irish Gentlemen; but I feel bound to point out to them what I sincerely believe, that this proposal will lead them into a course which, so far from benefiting or elevating them, will lower and degrade them, which everyone would deplore and deprecate. Is there any way open? Can England and Scotland set up local Parliaments, and have an Imperial Parliament besides? [Mr. BUTT: Hear, hear!] How can it be done? It reminds me of an anecdote of Sheridan, who, when coming home and seeing a man lying drunk in the gutter, said to him—"Unfortunately, I can't pick you out of the gutter, but I can lie down beside you." I will not waste time in arguing against the probability of changing the habits and practices that have existed over 600 years in England, and for 165 years since the Union with Scotland, with incalculable benefit, in order to carry out such a crotchet as this. Will Irish Members adopt a third remedy—that of being content to absent themselves altogether, much as they did between 1782 and the Union? I shall be unwilling to consider that Ireland

would voluntarily descend from her Imperial position as part of the first legislative State—the honoured Member of the first country in the world—to the position of a dependant, or a colony. If she is not content to accept such a position, she must remain as she is at present—a part of the United Kingdom.

MR. DISRAELI: Sir, we are asked to go into Committee in order that we may assert the right of Ireland to manage exclusively Irish affairs in an Irish Parliament and by the Irish people. I demur to going into Committee, because I do not admit the principle involved. Why should we do so in order that we may assert that the Irish people have the right of dealing and of managing exclusively Irish affairs in an Irish Parliament? Is it a right enjoyed by the English? The English people have not the right of managing in their own Parliament—the existing Parliament—exclusively English affairs. The Scotch have not that right. I remember when I first entered Parliament, that for a long period there was a majority of English Members arrayed against the existing Government, and that existing Government flourished by dealing largely with Irish legislation, but no English Member—although they might disagree with the policy of the existing Government—no English Member for a moment questioned their constitutional right, if they obtained a majority in Parliament, of passing those measures. Then, again, cases are not rare where hon. Members from Scotland have brought forward measures supported by a considerable majority of Scotch Members, and they have not been passed. I never heard a Scotch Member rise and say that because such measures were not carried, they had a right of managing exclusively Scotch affairs in a Scotch Parliament for that purpose. They might have regretted the loss of the measure; but they acknowledged the constitutional right of Parliament in refusing to accede to it. Therefore the principal purpose of the hon. and learned Member for Limerick in asking us to go into Committee that we should assert the right of the Irish people to manage exclusively Irish affairs, is to assert a right which has never existed, and which ought not to exist, and one not enjoyed either by the English or Scotch people. But assuming—which is a very large assumption

—that the principle of the hon. and learned Member is a principle which ought to be admitted, and that the right should be acknowledged, I want to know how it is to be carried into effect. Now, we have listened to the right hon. Gentleman who has just addressed us with much acuteness, and who, speaking upon matters of which he has both Parliamentary and official experience, has pointed out some of the difficulties and the ridiculous consequences of the course which we are invited to adopt. We have also listened to speakers on the previous night, and especially to the noble Lord (the Marquess of Hartington) who in an effective address showed, from his own experience as a Minister of State, the great difficulties in which we should be involved. But admitting the principle, I will ask the House—having followed this debate with interest and attention, and especially the addresses of the hon. and learned Member for Limerick and his principal supporters—have they obtained any definite conception from any language that has been used of the means by which they intend to carry into effect the vague policy which they recommend? We are told that what they require is not Repeal, but Federation; and for a time that seemed to fall upon the House as a new, if not a true, point in debate. But Federation is an arrangement between equal and independent States, and it would be impossible to construct a Federation without previously repealing that Act of Union, which we are told is not sought to be repealed. Well, if this arrangement be carried into effect—the means not being detailed to us, and which I cannot divine—but, assuming that it is possible, I am quite sure that it will pull down the whole administrative hierarchy of the country, with the whole system of constitutional administration which has been gradually formed during two centuries by the constant efforts of Parliament. All that must be abolished. Whether we should have one Imperial Parliament and one Local Parliament, or whether we must have, as has just been suggested—and it will probably be the solution of many difficulties, although it will lead to greater ones—one Imperial and three Local Parliaments; one thing is quite clear—that we should end in having co-ordinate

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and competing authorities, and that we should find officers of State acting on policies totally distinct, and bringing about a course of affairs hostile to each other. I shall also be glad to ascertain—for I have not learnt it from anything the hon. and learned Member for Limerick has told us—how he means to manage this double representation, which is to be enjoyed by the Irish Members, and which is to be at the same time Imperial and Local. Are there to be two sets of Members? I infer from something that has been said by the hon. and learned Member, or perhaps from his friends allowing the assertion to be made by others, that there is to be only one set of Members, and that they are to be hurried from capital to capital to fulfil their duties. Let us see how that would work. Let us suppose, what is not impossible, that the Local Parliament in Dublin is deeply engaged in a subject of domestic interest—of exclusively Irish interest—it might be, we will say, the subject of National Education. The attendance of every Member of the Local Parliament is necessary. Well, there is a question of Imperial importance at the same time brought forward at Westminster, and one which might equally interest all the Members of the Local Parliament in Dublin engaged on this subject of domestic interest. It might concern our relations with some foreign power of importance, and between which and Ireland we are frequently reminded there are feelings of intimate sympathy and friendship. I cannot doubt for a moment that if there were a question that might involve a war, we will suppose with France, all the Irish Members would immediately feel that they had pressing Imperial duties to fulfil; and how are they at the same time to fulfil their domestic duties at Dublin, and their Imperial duties at Westminster? Would they communicate by the telegraph their votes and decisions? Is it in an age when we have denounced proxies as an abuse, that we should settle by means of proxies the controversies of nations? I cannot conceive that the hon. and learned Gentleman would have recourse to such a scheme. But if there are such difficulties, not to say impossibilities, in devising any means of carrying into effect the scheme of the hon. and learned Gentleman—if it is full of those difficulties

which have been dwelt upon by so many hon. Members during this debate—if there is a chance of it producing immediately so much uneasiness, not to say injury, I want to know what is the cause—the sufficient cause—why we should run the risk of such a change as that which is suggested? I have not yet learnt sufficiently from the hon. and learned Gentleman what that cause is. I want to know whether there is a sufficient cause for this change, or if there is any cause? I have listened with great attention to what the hon. and learned Gentleman said, especially on that head. I was anxious—while I followed him in his bold scheme, and in the ambiguous details by which it was to be carried into effect—particularly to discover why we were to run so great a risk, why we were to consent to so vast a change, and what was the overwhelming reason which should induce an experienced and practical people like the British nation to adopt the suggestions of the hon. and learned Gentleman. I do not say that he did not offer some reasons—it would be impossible for him to come here and make such a proposition as he has made without offering some. But what are they? I took them down, and I think I am accurate. There were causes of complaint, and for these causes of complaint it was necessary to establish an Irish Parliament which should devote itself exclusively to Irish affairs—an arrangement which all must admit, without going into the consideration of great questions of policy, would at first produce immense confusion, and probably produce a most injurious effect on the public service of the country. Now, what are the causes of complaint of the Irish people, proclaimed to us by their chosen leader, who is in constant training for the office which he fulfils on this occasion, and who, therefore, you may depend upon it, has naturally omitted none. The first and principal complaint is, that Irishmen are not preferred to high office. The hon. and learned Gentleman stated that there were five principal offices in the Irish Government, and at the present moment they were all filled by Englishmen and Scotchmen. Well, the hon. and learned Gentleman has more information on that subject than I have myself. I will not contradict him on that head. All I know is, I have known the highest offices

in Ireland filled by Irishmen; and, if they are not so filled at this moment, I suppose it is from one of those casualties that occur in the course of human affairs, and we cannot draw any inference from it as to the general course of conduct on that subject. All I know is, that if the present Lord Lieutenant is not an Irishman, still, when his Sovereign most graciously expressed her wish to confer upon him the highest dignity in the Peerage, he made a humble condition that it should be a purely Irish dignity, and when he was made Duke of Abercorn he became an Irish Duke, and therefore, if he was not born an Irishman, he must be very Irish indeed. But is it the fact that the great offices of the State are not enjoyed by Irishmen? I have not had time to make any researches. The hon. and learned Gentleman, who has given up his life to one subject ought, of course, to be master of it. I can only speak from my memory, stimulated by the course of the debate; but while the hon. and learned Gentleman was speaking, while he was proposing a revolution in order that justice might be done to his countrymen, and that they should enjoy that which, according to him they never yet enjoyed—namely, possession of the great offices—it did occur to me that, within my own experience, I have known three Prime Ministers who were Irishmen—three Viceroy of India who were Irishmen. The present Lord Chancellor of England is an Irishman. The Secretary for Ireland in the late Government was an Irishman. The Secretary for Ireland in the Government of Lord Derby was an Irishman, and Members on both sides of the House have competed with each other in announcing the Judges of all descriptions that are Irishmen. And yet we are asked to put an end to the Imperial Parliament, and make this great revolution because Irishmen have not had their fair share of the great offices of the State. Well, what was the next complaint of the Irish people upon which this demand was founded? It was that Ireland is at this moment governed by Coercion Bills, that it has been periodically and frequently governed by Coercion Bills, and Coercion Bills of the most stringent and stern character. I do not deny their stringency and sternness, but it should be remembered that the Irish Members made no protest

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against those Bills. ["Oh, oh."] When did they make their protest? Where did they make it? It must have been in their local Parliament. It certainly was not in the Imperial Parliament. Well, then—I will not say with what face, for that is hardly a classical expression—but with what degree of self-complacency and self-respect can the hon. and learned Gentleman come forward and make the present coercion system of legislation that exists in Ireland a ground for taking the course he has done, seeing that that system has been supported, generally speaking, by all the Irish Members; for, with the exception of some dozen, they all either voted for it or absented themselves? I repeat, with what degree of self-complacency can he make that system a ground for the enormous proposition he has submitted to the House of Commons? I must do the hon. and learned Gentleman the justice to say there were other grounds stated besides coercion and the want of official preferment. He seemed to bring forward the famine as one of the great complaints; but, as he treated that in a somewhat nebulous manner, I will not press him on that point. I leave it to the general feeling of the House. The famine was originally produced, no doubt, by the amount of the population of Ireland being greatly in excess as compared with the means of supporting the people. [An hon. MEMBER: Emigration.] I do not share the feelings of all in this House on that subject. I cannot say that I view without emotion that immense and extensive emigration of the people. I have never considered it in those transcendental lights of political economy in which some have regarded it. But I want to know, what is or can ever be the remedy for this system of emigration? There is only one, and it is to increase the means of the employment of the people and vary the species of that employment. As long as the Irish are actuated by the passionate love of the soil, which, I suppose, is the consequence of their tribal relations in a great degree—so long as they will not be weaned from it—so long as that passion leads them to deeds of rapine and outrage into which they periodically break out—so long will the capital of this country be diverted from Ireland and prevented from being invested there,

and so long the means of varying and increasing the employment of the people will fail. But when you come to the diminution of the population, the hon. and learned Gentleman, who knows everything connected with this subject, must be perfectly aware that the great increase to the population of Ireland occurred after the Union, and therefore the inferences drawn from his general political dogmas on that subject cannot be accepted. There was, I admit, one practical complaint which the hon. and learned Gentleman brought forward, and that was that the borough franchise of Ireland was higher than the borough franchise of England. Well, that is a very small matter. If that were so, it hardly is a sufficient cause for that great change which the hon. and learned Gentleman and his Friends have proposed to-night. If you look into the question, the conclusion which an impartial mind would draw would be exactly contrary to the conclusion which has been drawn by the hon. and learned Gentleman. Why the borough franchise of Ireland for a long period—since the Reform Act of Lord Grey until the Act of 1868—has always been much lower than the borough franchise in England. Ireland has been dealt with, so far as the question of Parliamentary reform is concerned, in a different and a much more liberal manner than England. There have been more Acts to invest the Irish people with the political franchise than there have been Acts to invest the people of England with it, and for this simple and singular reason—that it was found almost impossible to establish and maintain a sufficient constituency either in the counties or in the boroughs. The consequence is there have certainly been three Reform Acts since the Act of 1832, the object of which has been to increase the constituencies of Ireland both in the counties and the boroughs by reducing the franchise; and the franchise of the Irish boroughs was for a long series of years—between 30 and 40 years—much lower than the borough franchise in England. Ireland was not dealt with at the same time as the English and Scotch franchises in 1868, but no one in that Parliament for a moment supposed that it was from any jealousy of Ireland, or any unwillingness to treat the Irish on the same general principle of equality with regard to the franchise as England.

But time was then most precious, and Ireland had been repeatedly, and in its favour, and for its peculiar advantage, dealt with on this subject of the franchise, when England and Scotland were not; and, therefore, under the circumstances, it was not necessary then to take into consideration the borough franchise of Ireland, which was a very low franchise. Who can for a moment suppose that the franchise of Ireland being for six or seven years higher than the borough franchise of England, which had been probably for 35 years much lower, was a sufficient reason, or a reason that could be alleged with any plausibility, for effecting the change which the hon. and learned Gentleman proposes? I have asked the House to consider why we should acknowledge the principle of the hon. and learned Gentleman that Ireland has a right to manage all exclusively Irish affairs in an Irish Parliament; I have asked, assuming this right, how it is to be done—a subject on which I can throw very little light. Not only so, it would produce endless confusion; and I may ask, when this confusion would probably be the consequence of the course he recommends, whether he has alleged sufficient cause, I may say any cause, adequate for such a change? Now, I want to discover what the real cause is; and, indeed, I should have given that up had it not been for the speech of the hon. Member for Louth (Mr. MacCarthy); he who addressed us with so much animation appeared to me to throw off the mask. He did not tell us that he wanted an Irish Parliament for local purposes, or because Irishmen were not sufficiently promoted, or because there were Coercion Acts, or because a famine had once raged in the land, or because the borough franchise was not as low as the borough franchise in England. He went at once to the root of the subject. He told us the real cause. He said—"We require this great change—we require our own Parliament to put an end to our own subjugation." ["Hear, hear!"] I accept that "hear, hear" from the hon. Gentlemen as an evidence that I am stating the case with that accuracy which I trust always distinguishes me. I must say there is to me nothing more extraordinary than the determination of the Irish people to proclaim to the world that they are a conquered race. I have

been always surprised that a people gifted with so much genius, so much sentiment, such winning qualities should be—I am sure they will pardon me saying it; my remark is an abstract and not a personal one—should be so deficient in self-respect. I deny that the Irish people are conquered as they are proud to tell us; I deny that they have any ground for that pride. The hon. Member for Louth was quite elated when he spoke of the subjection of his people. He seemed almost inspired when he talked of the Irish being still in chains. I must enter my protest against a course which appears to me so extraordinary. And, first of all, I deny that the Irish are an ancient nation that have been conquered more than all ancient nations have been. I deny that the Irish have been conquered more than, or even as often, as the English. You never hear of an Englishman going about and boasting of his subjection. He boasts sometimes of having come over with William the Conqueror or rather of his ancestors having done so. The Irish have been conquered by the Normans and so have we, and in modern times I will not deny that Oliver Cromwell conquered Ireland, but it was after he had conquered England. William III. could not have succeeded in conquering Ireland if he had not previously conquered England. Therefore, there is no foundation for this statement of which the hon. Member for Louth and the school he represents are always so proud. Allow me to point out to the House that this morbid sentiment is the only real foundation for this violent change which is now proposed. If they are not a subject race, they have no argument at all, according to the reasoning of the hon. Member for Louth, for the course they are pursuing. I would most respectfully remark to my Irish friends, there is something, I think, impolitic in the boastful manner in which they will recall the disgraces and disasters of their people. It is peculiar to them, but I would recommend them not to be too fond of indulging in it. We have the advantage of living in an age when people are not remarkable for a superstitious veneration for history or acquaintance with it. We cannot spare so much time to the past as our fathers did, and I have no doubt when all the various systems of education now afloat are matured, and their

consequences really accomplished, the great body of the nation will not be acquainted with anything but the information of the current hour. If, therefore, Irish Gentlemen would only hold their tongues, I do not believe that in the course of a generation anybody would remember that they ever had been subjugated, for in the course of a generation they will turn out to be the Representatives of a contented and prosperous people. I have touched upon these points because they were referred to in the course of the debate, and because my doing so would show that I have listened with attention to the general observations which have been made. So far as my own individual opinion is concerned—and my opinion upon the subject is very clear and very firm—I have had no need whatever to take into consideration the various subjects to which I have cursorily alluded. I will, however, say even this—that if it could be proved to me that the Union had absolutely impoverished Ireland instead of having, as I believe it has, enriched it, that could not be held as a sufficient reason for the course proposed to be adopted to-night. We have been told that the proper mode by which to remedy this imaginary grievance of Ireland is to adopt a Federal Union, and we had a good deal of light thrown upon this subject by reference to Federal Unions in Austro-Hungary, the United States, Switzerland, and so forth. I should never speak of the Empire of Austro-Hungary but with the greatest respect, and I have no doubt, myself, that on both sides of the House great sympathy must be always felt for the Monarch of that Empire. He has experienced extraordinary vicissitudes and has encountered great calamities, and from the period when first as a youth he accepted—and at a time of much turbulence—the throne, he has conducted himself, I think, with courage and conscientiousness. I heartily wish success to that great experiment, and, what is more, I believe there is every prospect of its success and of the increased strength and prosperity of that Empire. But I must say—and I hope without offence to anyone—that I am not prepared to stake the fortunes of an ancient and famous Monarchy like our own, and of an Empire whose flag floats on many waters, upon the success, the limited suc-

cess, of an experiment which has only commenced in our own time, and which certainly ought not to be adduced as a guide and model for a country like England. As far as the other cases are concerned which have been brought forward—namely, the United States, the Swiss Confederation, and especially that happy exemplar of Iceland which was introduced in so grave a manner, I dispute the propriety of arguing the question on such grounds. I dispute the propriety of arguing the practicability of adopting a federal connection between England and Ireland or any other part of our dominions upon abstract principles or upon any general instances like those. The question of a federal connection between England and Ireland depends upon the circumstances of the case, upon the circumstances of the two countries, the evidence we have to deal with now, and the consequences we may have hereafter to encounter. That is the only way that I should consider this question. I ask myself if it be possible for a moment to establish that division of duties between Local and Imperial business suggested by the hon. and learned Member for Limerick. Admitting, for the sake of argument, that it is possible—not only that it is possible, but that the result is consummated, and that we have Parliaments sitting at Dublin and at Westminster—I ask how this scheme will practically work, and what will be the probable consequences? In the first place, I must naturally look at the character of the population of Ireland in order that, when I know what the constituency is, I may be able to form a notion of what will be the character of the Representatives. There is, no doubt—I may say it without offence—that the large majority of the population of Ireland are of the Roman Catholic faith. Hon. Gentlemen opposite need not be alarmed. I am not going to make any observations disparaging to their religion. I have always expressed, as I do now, my respect for that venerable faith. But I cannot conceal from myself that the organization of the Roman Catholic religion is a most powerful organization—perhaps, the most powerful now in existence. I will say this, that it is not the less powerful because the head of that faith has been deprived of his capital and a few provinces. I believe, indeed, that his power

has increased. I am not here to impute to the head of that faith or his counsellors any aggressive spirit against civilization or the tranquillity of Europe. But they are flesh and blood, animated by the feelings and influenced by the passions which have always governed the transactions of mankind; and I cannot doubt that such influences and such feelings must have great effect upon the conduct of a Parliament elected in Ireland by an overwhelming majority professing the Roman Catholic faith and returning to that Parliament a large majority of representatives of the same faith. I want to know, suppose that to happen, which it is not improbable may happen, and which, perhaps, I may say, will certainly happen in the generation which is now commencing—suppose there was a great movement in Europe, the object of which was to restore the head of the Roman Catholic faith to the capital which he has lost and the provinces of which he has been deprived—and suppose we were assembled in Parliament to take counsel upon some of the circumstances and events which such combinations might produce, would Irish Members be satisfied by coming to the Imperial Council and availing themselves of their Imperial position to express their sentiments and give their votes? And if their counsels were disregarded, if their votes were out-numbered, can we believe that a Roman Catholic Parliament in Ireland would be indifferent to events which they must class amongst the highest and most interesting to them, and in which their feelings are the most deeply engaged? Sir, I cannot for a moment, myself, resist the conviction that in such a state of affairs the Parliament of Ireland would not hesitate in believing that it was an exclusively Irish affair to consider the condition of the head of the Roman Catholic faith. Well, I believe that that would lead to great dangers, and possibly to great disasters, and that if we found the two countries pursuing a different policy, that might happen, which none can contemplate without a feeling of terror—we might be called upon to interfere between a portion of the Irish people who did not sympathize with the majority of the Irish Parliament, and perhaps to interfere with force. Nor can we suppose, from the experience that we have had, that the majority of

the Irish people, with a majority in their Parliament which had declared its opinions clearly and decidedly upon this question, would easily be daunted, either by the threats of the Protestant minority of the people of Ireland or by the interference of England. We might be approaching one of those great crises in human affairs that fill the largest pages of history. Civil War might even be a lesser evil than the calamities which might impend over both countries. There might be sympathy with nations which have not been subjugated. We have been told even in the course of this debate by an hon. Member that there is great sympathy between Ireland and a foreign nation—a nation once a mighty Power, and probably one to whom there are future destinies of authority yet remaining. Sir, these are considerations which greatly influence me in the consideration of this question. I cannot view it as one whether we ought to establish a vast vestry in Dublin. I cannot stop merely at the consideration whether it may or may not involve our administrative system in infinite difficulties and inconsistencies. These are all light matters compared with the issue which I have submitted to myself, and which to my eye assumes much greater magnitude. I am opposed, therefore, to this Motion, because I think involved in it are the highest and nearest interests of our country. I am opposed to it for the sake of the Irish people as much as for the sake of the English and the Scotch. I am opposed to it because I wish to see united at an important crisis of the world—a crisis that perhaps is nearer arriving than some of us suppose—because I wish to see a united people welded in one great nationality, and because I feel that if we sanction this policy—if we do not cleanse the Parliamentary bosom of all this “perilous stuff”—we shall bring about the disintegration of the Kingdom and the destruction of the Empire.

CAPTAIN NOLAN denied the accuracy of the Prime Minister's statement that the Irish did not feel that they were a conquered nation. The iron of conquest had entered deep into their souls, and the wounds caused by the various conquests would, he feared, hardly be healed by the honeyed words of the right hon. Gentleman, the Prime Minister. They had, however, never based their

claim to Home Rule on the fact that they were conquered; what they said was, that when they lost Home Rule they were simply sold. The object of the Government of this country might be to set one class of the Irish people against the other, to set Catholics against Protestants and Protestants against Catholics. He denied that if an Irish Parliament were granted, Roman Catholics in Ireland would interfere with the rights of their Protestant fellow-countrymen. They had felt too much the effects of religious intolerance to wish to inflict it upon any portion of their brethren.

MR. MACARTHY DOWNING: Sir, there is no parallel between the cases of Scotland and Ireland. After the debate that has taken place, I feel that I need add little in support of the Motion before the House; nor would I venture to do so—fully satisfied as I am with the case so triumphantly established by the facts and arguments adduced by my hon. Friends who have preceded me—were it not that I entered this House the Representative—unopposed—of nearly 17,000 electors of an agricultural county, whose first requirement of me was a pledge that I would advocate in this House, and demand from it, the restoration to Ireland of her Parliament, of which she was so fraudulently deprived, in the modified form asked for to-night. Sir, were it possible that the issue to be determined to-night could be determined by a statesman selected from each of any 12 European States, I would, notwithstanding the comments of the morning papers on the debate of Tuesday, entertain no doubt as to the verdict being in favour of the claim made on behalf of Ireland. That being impossible, I entertain as little doubt as to what the result will be; at the same time hoping that in this great Assembly there are some, if not many, who laying aside prejudices, interests, and parties, will be found in what may be called the Irish Lobby. I now redeem that pledge, which it was unnecessary to ask from me, because my convictions, for many years before I entered this House, were that the regeneration of Ireland can only be achieved by her Representatives and her Peers having the management of her internal affairs, sitting in her capital—convictions fortified by my experience of this House, which however, well inclined, has neither the knowledge

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nor the time to legislate according to the wants, necessities, and requirements of the Irish people. [The hon. Member then referred to what has taken place in Hungary, in Norway and Sweden, in Iceland, and at Capetown, where self-government has been granted to the inhabitants. He concluded:] I will say, Sir, before I sit down, that it is with sorrow, humiliation, and indignation I have listened to the speech to-night made by the hon. Member for Tralee (the O'Donoghue). It is sad to think that he who now sits here by the accident of two or three votes, should rise in this House to traduce the principles of his own life-time, and, worse still, to defame in his grave the illustrious Irishman whose name he has had the temerity to claim as against the concession of the legislative independence of Ireland.

SIR PATRICK O'BRIEN complained of the reception which on many occasions was afforded to Irish Members. On a late occasion he had risen at an early period in the debate upon the Gold Coast to state his opinions, formed after having given much care and attention to the subject, and after having spent much time in reading documents and Despatches connected with the Gold Coast administration, but was not afforded an opportunity of expressing his opinions. On this occasion his name and race justified him in making some observations upon the great question before the House—that, he thought, would not be disputed. In doing so he proposed to give a *resumé* of Irish politics. ["Oh, oh!" and "Divide."] Were the feeling of the House that he should not proceed, he would sit down. ["Sit down."] He would not do so except he were stopped by the highest authority. Well, he would say that were he an Englishman he would have been a Whig; but as an Irishman he supported the Motion before the House. The term "Whig" seemed to be distasteful to hon. Members; but he recollected that the term "*Gueux*," meant to be a term of reproach, was accepted as a term of honour in former times in Belgium. He should support the Motion.

Question put.

The House *divided*:—Ayes 61; Noes 458: Majority 397.

AYES.

Biggar, J. G.	Meldon, C. H.
Blennerhassett, R. P.	Moore, A.
Bowyer, Sir G.	Morris, G.
Brady, J.	Nolan, Captain
Browne, G. E.	O'Brien, Sir P.
Bryan, G. L.	O'Byrne, W. R.
Burt, T.	O'Callaghan, hon. W.
Collins, E.	O'Clery, K.
Conyngham, Lord F.	O'Conor, D. M.
Cowen, J.	O'Conor Don, The
Cross, J. K.	O'Gorman, P.
Dease, E.	O'Keefe, J.
Digby, K. T.	O'Leary, W.
Dilke, Sir C. W.	O'Loghlen, rt. hon. Sir
Downing, M'C.	C. M.
Dunbar, J.	O'Sullivan, W. H.
Ennis, N.	Power, J. O'C.
Errington, G.	Power, R.
Eyton, P. E.	Redmond, W. A.
Fay, C. J.	Ronayne, J. P.
French, hon. C.	Shaw, W.
Gourley, E. T.	Sheil, E.
Gray, Sir J.	Sherlock, Mr. Serjeant
Hamond, C. F.	Simon, Mr. Serjeant
Henry, M.	Smyth, P. J.
Jenkins, E.	Stacpoole, W.
Kirk, G. H.	Sullivan, A. M.
Lawson, Sir W.	Synan, E. J.
Lewis, O.	Ward, M. F.
M'Carthy, J. G.	
M'Kenna, Sir J. N.	
Martin, J.	
Martin, P.	

TELLERS.

Butt, I.
O'Shaughnessy, R.

NOES.

Adam, rt. hon. W. P.	Bective, Earl of
Adderley, rt. hn. Sir C.	Bentinck, G. C.
Agnew, R. V.	Benyon, R.
Alexander, Colonel	Beresford, Colonel M.
Allen, Major	Biddulph, M.
Allen, W. S.	Birley, H.
Allsopp, S. C.	Bolckow, H. W. F.
Anderson, G.	Boord, T. W.
Anstruther, Sir W.	Booth, Sir R. G.
Antrobus, Sir E.	Bourke, hon. R.
Archdale, W. H.	Bourne, Colonel
Arkwright, A. P.	Bousfield, Major
Arkwright, F.	Brassey, H. A.
Arkwright, R.	Briggs, W. E.
Ashbury, J. L.	Bright, R.
Ashley, hon. E. M.	Bristowe, S. B.
Assheton, R.	Broadley, W. H. H.
Baggallay, Sir R.	Brocklehurst, W. C.
Bagge, Sir W.	Brooks, W. C.
Balfour, A. J.	Brown, A. H.
Balfour, Sir G.	Bruce, rt. hon. Lord E.
Ball, rt. hon. J. T.	Bruce, hon. T.
Barclay, A. C.	Bruen, H.
Barclay, J. W.	Brymer, W. E.
Baring, T. C.	Buckley, Sir E.
Barrington, Viscount	Bulwer, J. R.
Barttelot, Colonel	Burrell, Sir P.
Bass, A.	Buxton, Sir R. J.
Bassett, F.	Callender, W. R.
Bates, E.	Cameron, C.
Bateson, Sir T.	Campbell, C.
Bathurst, A. A.	Campbell-Bannerman,
Baxter, rt. hon. W. E.	H.
Bazley, Sir T.	Carington, hn. Col. W.
Beach, rt. hn. Sir M. H.	Cartwright, W. C.
Beach, W. W. B.	Cave, rt. hon. S.
Beaumont, Major F.	Cave, T.

Cavendish, Lord F. C.	Evans, T. W.	Holker, J.	Mahon, Viscount
Cavendish, Lord G.	Ewing, A. O.	Holland, S.	Majendie, L. A.
Cawley, C. E.	Fawcett, H.	Holmesdale, Viscount	Makins, Colonel
Cecil, Lord E. H. B. G.	Feilden, H. M.	Holms, J.	Manners, rt. hn. Lord J
Chadwick, D.	Fellowes, E.	Holt, J. M.	Marten, A. G.
Chaine, J.	Ferguson, R.	Hood, Capt. hn. A. W.	Maxwell, Sir W. S.
Chaplin, H.	Fielden, J.	A. N.	Mellor, T. W.
Chapman, J.	Finch, G. H.	Hope, A. J. B. B.	Melly, G.
Charley, W. T.	Fitzmaurice, Lord E.	Hopwood, C. H.	Milles, hon. G. W.
Cholmeley, Sir H.	Fitzwilliam, hon. C.	Horsman, rt. hon. E.	Mills, A.
Christie, W. L.	W. W.	Howard, hon. C. W. G.	Mills, Sir C. H.
Churchill, Lord R.	Fletcher, I.	Hubbard, E.	Mitchell, T. A.
Clarke, J. C.	Floyer, J.	Hubbard, J. G.	Monckton, F.
Clifford, C. C.	Foljambe, F. J. S.	Huddleston, J. W.	Monckton, hon. G.
Clifton, T. H.	Folkestone, Viscount	Hunt, rt. hon. G. W.	Monk, C. J.
Clive, Col. hon. G. W.	Forester, rt. hon. Gen.	Ingram, W. J.	Montgomerie, R.
Clive, G.	Forster, Sir C.	Isaac, S.	Montgomery, Sir G. G.
Close, M. C.	Forster, rt. hon. W. E.	Jackson, H. M.	Morgan, hon. F.
Clowes, S. W.	Forsyth, W.	James, W. H.	Morgan, G. O.
Cobbold, J. P.	Freshfield, C. K.	Jenkins, D. J.	Morgan, hon. Major
Cogan, rt. hn. W. H. F.	Gallwey, Sir W. P.	Jervis, Colonel	Morley, S.
Cole, hon. Col. H. A.	Galway, Viscount	Johnson, J. G.	Mowbray, rt. hn. J. I.
Colebrooke, Sir T. E.	Gardner, J. T. Agg-	Johnstone, H.	Mulholland, J.
Colman, J. J.	Gardner, R. Richard-	Johnstone, Sir H.	Mundella, A. J.
Conolly, T.	son-	Jolliffe, hon. S.	Muntz, P. H.
Corbett, Colonel	Garnier, J. C.	Jones, J.	Mure, Colonel
Corbett, J.	Gilpin, Colonel	Karslake, Sir J.	Naghten, A. R.
Cordes, T.	Gladstone, W. H.	Kavanagh, A. MacM.	Neville-Grenville, R.
Corry, hon. H. W. L.	Goddard, A. L.	Kay - Shuttleworth,	Newdegate, C. N.
Corry, J. P.	Goldney, G.	U. J.	Noel, E.
Cotes, C. C.	Goldsmid, Sir F.	Kennard, Colonel	North, Colonel
Cowan, J.	Goldsmid, J.	Kennaway, Sir J. H.	Northcote, rt. hon. Sir
Cowper, hon. H. F.	Gooch, Sir D.	Kensington, Lord	S. H.
Crawford, J. S.	Gordon, rt. hon. E. S.	Kingscote, Colonel	O'Donoghue, The
Crichton, Viscount	Gordon, W.	Kinnaird, hon. A. F.	O'Neill, hon. E.
Cross, rt. hon. R. A.	Gore, J. R. O.	Knatchbull-Hugessen,	Onslow, D.
Crossley, J.	Gore, W. R. O.	rt. hon. E.	Palk, Sir L.
Cubitt, G.	Goschen, rt. hon. G. J.	Knight, F. W.	Parker, Lt.-Col. W.
Cunninghame, Sir W.	Gower, hon. E. F. L.	Knowles, T.	Pateshall, E.
Cust, H. C.	Grantham, W.	Lacon, Sir E. H. K.	Pease, J. W.
Dalkeith, Earl of	Greenall, G.	Laing, S.	Peel, A. W.
Dalrymple, C.	Greene, E.	Laverton, A.	Pell, A.
Dalway, M. R.	Gregory, G. B.	Law, rt. hon. H.	Pelly, Sir H. C.
Damer, Capt. Dawson-	Grieve, J. J.	Learmonth, A.	Pemberton, E. L.
Davies, R.	Grosvenor, Lord R.	Leatham, E. A.	Pender, J.
Denison, C. B.	Guinness, Sir A.	Lee, Major V.	Pennington, F.
Denison, W. E.	Hall, A. W.	Leeman, G.	Peploe, Major
Dick, F.	Halsey, T. F.	Lefevre, G. J. S.	Perceval, C. G.
Dickson, Major A. G.	Hamilton, I. T.	Legard, Sir C.	Percy, Earl
Dillwyn, L. L.	Hamilton, Lord G.	Legh, W. J.	Perkins, Sir F.
Disraeli, rt. hon. B.	Hamilton, Marq. of	Leigh, Lt.-Col. E.	Philips, R. N.
Dixon, G.	Hamilton, hon. R. B.	Leith, J. F.	Phipps, P.
Dodson, rt. hon. J. G.	Hanbury, R. W.	Lennox, Lord H. G.	Pim, Captain B.
Douglas, Sir G.	Hankey, T.	Lealie, J.	Playfair, rt. hn. Dr. L.
Dowdeswell, W. E.	Harcourt, Sir W. V.	Lewis, C. E.	Plunket, hon. D. R.
Duff, M. E. G.	Hardcastle, E.	Lindsay, Col. R. L.	Plunkett, hon. R.
Duff, R. W.	Hardy, rt. hon. G.	Lloyd, M.	Polhill-Turner, Capt.
Dundas, J. C.	Harrison, C.	Lloyd, S.	Portman, hon. W. H. B.
Dyott, Colonel R.	Hartington, Marq. of	Lloyd, T. E.	Potter, T. B.
Eaton, H. W.	Harvey, Sir R. B.	Locke, J.	Powell, W.
Edmonstone, Adm. Sir	Havelock, Sir H.	Lopes, Sir M.	Price, Captain
W.	Hay, rt. hn. Sir J. C. D.	Lowe, rt. hon. R.	Price, W. E.
Edwards, H.	Hayter, A. D.	Lowther, J.	Raikes, H. C.
Egerton, hon. A. F.	Heath, R.	Lubbock, Sir J.	Ramsay, J.
Egerton, Adm. hon. F.	Helmsley, Viscount	Macartney, J. W. E.	Rathbone, W.
Egerton, Sir P. G.	Hermon, E.	Macduff, Viscount	Read, C. S.
Egerton, hon. W.	Hervey, Lord F.	Macgregor, D.	Reed, E. J.
Elliot, Admiral	Heygate, W. U.	Mackintosh, C. F.	Reid, R.
Elliot, G.	Hick, J.	M'Arthur, A.	Rendlesham, Lord
Elphinstone, Sir J. D. H.	Hill, A. S.	M'Arthur, W.	Repton, G. W.
Emlyn, Viscount	Hill, T. R.	M'Combie, W.	Richard, H.
Easington, Lord	Hodgson, K. D.	M'Lagan, P.	Ripley, H. W.
Estcourt, G. B.	Holford, J. P. G.	M'Laren, D.	Ritchie, C. T.

Robertson, H.	Taylor, P. A.
Roebuck, J. A.	Temple, rt. hon. W.
Rothschild, N. M. de	Cowper-
Round, J.	Tennant, R.
Russell, Lord A.	Thynne, Lord H. F.
Russell, Sir C.	Tollemache, W. F.
Ryder, G. R.	Torr, J.
Sackville, S. G. S.	Tracy, hon. C. R. D.
St. Aubyn, Sir J.	Hanbury-
Salt, T.	Tremayne, J.
Namuda, J. D'A.	Trevelyan, G. O.
Namuelson, B.	Trevor, Lord A. E. Hill-
Nanderson, T. K.	Turner, C.
Nandford, G. M. W.	Turnor, E.
Nandon, Viscount	Vance, J.
Nclater-Booth, rt. hn. G.	Verner, E. W.
Scott, Lord H.	Villiers, rt. hon. C. P.
Scott, M. D.	Vivian, A. P.
Scourfield, J. H.	Waddy, S. D.
Seely, C.	Wait, W. K.
Selwin - Ibbetson, Sir	Walker, T. E.
H. J.	Wallace, Sir R.
Shaw, R.	Walpole, hon. F.
Sheridan, H. B.	Walpole, rt. hon. S.
Sherriff, A. C.	Walsh, hon. A.
Shirley, S. E.	Walter, J.
Shute, General	Waterhouse, S.
Sidebottom, T. H.	Waterlow, Sir S. H.
Simonds, W. B.	Watkin, Sir E. W.
Sinclair, Sir J. G. T.	Watney, J.
Smith, A.	Weguelin, T. M.
Smith, S. G.	Welby, W. E.
Smith, W. H.	Wellesley, Captain
Smyth, R.	Wethered, T. O.
Somersset, Lord H. R. C.	Wheelhouse, W. S. J.
Spinks, Mr. Serjeant	Whitbread, S.
Stafford, Marquis of	Whitelaw, A.
Stanford, V. F. Benett-	Whitwell, J.
Stanhope, hon. E.	Williams, Sir F. M.
Stanhope, W. T. W. S.	Wilmot, Sir H.
Stanley, hon. F.	Wilmot, Sir J. E.
Stansfeld, rt. hon. J.	Wilson, Sir M.
Starkie, J. P. C.	Wolff, Sir H. D.
Steele, L.	Woodd, B. T.
Stevenson, J. C.	Wyndham, hon. P.
Stewart, M. J.	Yarmouth, Earl of
Storer, G.	Yoaman, J.
Sturt, H. G.	Yorke, hon. E.
Swanston, A.	Yorke, J. R.
Sykes, C.	Young, A. W.
Talbot, C. R. M.	TELLERS.
Taylor, D.	Dyke, W. H.
Taylor, rt. hn. Colonel	Winn, R.

ENDOWED SCHOOLS ACTS AMENDMENT BILL.

On Motion of Viscount SANDON, Bill to amend the Endowed Schools Acts, *ordered* to be brought in by Viscount SANDON and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 187.]

COMMISSIONERS OF WORKS AND PUBLIC BUILDINGS BILL.

On Motion of Lord HENRY LENNOX, Bill to regulate the Incorporation of the Commissioners of Her Majesty's Works and Public Buildings; and for other purposes relating thereto, *ordered* to be brought in by Lord HENRY LENNOX and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 188.]

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, 3rd July, 1874.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Working Men's Dwellings (135); Apothecaries Act Amendment* (116).
Committee—Conjugal Rights (Scotland) Act Amendment* (126).
Committee—*Report*—Drainage and Improvement of Lands (Ireland) Provisional Order* (125).
Report—Alkali Act (1863) Amendment* (115).
Third Reading—Drainage and Improvement of Lands (Ireland) Act (1863) Amendment* (133), and *passed*.

IRISH NATIONAL EDUCATION— SCHOOLMASTERS AND SCHOOL- MISTRESSES.

MOTION FOR A RETURN.

LORD EMLY, in drawing attention to the number of untrained teachers employed under the Irish National Board of Education, said—I trust that your Lordships will consider the deep interest I have taken for many years in the Irish National system of education as a justification for my venturing now to call attention to the qualification of its teachers. That system has conferred greater good on Ireland than any other institution founded there by the Imperial Parliament. It has overcome religious difficulties which appeared to be insuperable. Through the elasticity of its rules it has accommodated itself to the different parts of Ireland; and, after many years of conflict, its principles have received the approved and even warm support of almost every one of its opponents. Yet, no one who impartially investigates the quality of the education it gives can doubt its inferiority to the quality of the education given in the English and Scotch primary schools. A momentous consideration; in these days inferiority in education means inferiority in wages, in lodgings, in food. It means that Irishmen are to be hewers of wood and drawers of water to their fellow-countrymen; it means the absence of that peace without which the resources of Ireland cannot be developed—for ignorance is the soil in which agitation flourishes; and those who in the battle of life are unsuccessful, those upon whom, perhaps, no ray of hope shines from their cradles to their graves, are not likely to be contented. The Report of the Royal Commission, over which

the noble Earl who usually sits opposite (the Earl of Powis) so ably presided, described the progress of the children in the Irish national schools as much less than it ought to be. That decided, though gently expressed, condemnation is more than borne out by the Reports of almost all the Sub-Commissioners—gentlemen of great intelligence, with a thorough knowledge of English and Scotch schools, who inspected the Irish schools, and reported on them to the Royal Commissioners. Mr. Richmond regretted that the system should permit so many inferior schools. Mr. Laurie described their marked inferiority to kindred schools in England; Mr. Cummins says that Irish schools are inferior to British schools; Mr. Jack describes them as unsatisfactory; Mr. Balmer laments that intelligence in them is but little developed; but I invite your Lordships special attention to a letter I have received from one of these Sub-Commissioners—Mr. Le Page Renouf. He is, and has long been, one of the Privy Council Inspectors here. I need not tell your Lordships that he is a man of distinguished ability. He describes clearly both the evil and its cause—

"While examining schools in the counties of Waterford, Wexford, Tipperary, and Kilkenny, I was careful to bear in mind the very different circumstances under which I was accustomed to examine and report upon the whole of my own district in England; but every allowance being made for the difference of circumstances, it was altogether impossible to avoid perceiving that the efficiency of the Irish schools was not only inferior in degree but even in kind. The teachers and children were everywhere fully as intelligent as the teachers and children in England, yet not only did the children break down in the examinations of the mildest character, but their teachers seem to be totally ignorant of the amount, and still more of the quality, of instruction which might fairly be expected from those under their care, especially from the lowest classes of these schools. The first school which I inspected on my return to England (the St. Patrick's, at Walsall) was almost as thoroughly Irish a school as any I had seen in Ireland—the priest, the teachers, and the children being all Irish Catholics. But the amount of work done by the first standard children, and the accuracy of the style of it, were such as perhaps not one of the teachers I had seen at the other side of the water had a conception of. How could it be otherwise? The teacher in Ireland had—in general at least—not been taught how to teach."

These, my Lords, are painful facts. I now must ask your Lordships' attention to the last Report of the National Board, from which it appears that out of 9,802

Lord Emly

national teachers only 3,518 were trained. This is sufficiently startling, but not one even of these 3,518 have been trained in the sense in which the word is used in England and Scotland. Parliament, with ungrudging liberality, has provided funds for Irish education. During the 27 years I passed in the House of Commons, the Irish Education Votes were constantly on the increase. They now amount to £550,000. Yet when I look to the Estimates of the present year, I find that while in England £95,200 is voted for 39 normal schools with 2,894 students, and in Scotland £20,500 for five normal schools with 707 students, in Ireland there is only one normal school with 200 students, and only £7,646 is taken for it; and recently the Chief Secretary for Ireland alleged the imperfect training of the Irish teachers as a reason, not for having them better trained, but for giving them small salaries. My Lords, "as is the school so is the schoolmaster," and I need not waste your Lordships' time by proving that without sufficient training you cannot produce good schoolmasters. Every authority on education in every part of the world agrees that the art of teaching—imparting as distinguished from acquiring knowledge—must be acquired like every other art—like medicine, law and music. If it were necessary, I could cite the testimony of every English Inspector of schools—some of them now distinguished Members of your Lordships' House—to prove the absolute necessity of efficient training for teachers; but I will trouble your Lordships only with one or two of them. Mr. Harvey, Assistant Commissioner to the Commission on Primary Scotch Education, puts the whole case vividly—

"Those only," he says, "can appreciate fully between trained and untrained teachers who have seen and suffered much from visiting schools taught by untrained masters of hitherto little experience. It is impossible to imagine how great a contrast two schools may and do present. Precision and definiteness result from normal school training. Training is of more importance for female even than for male teachers, and, in point of fact, I need not remind your Lordships that these opinions have been acted on in England and Scotland, and that the normal schools in Great Britain supply annual demand for teachers. When the schools in England were multiplied by recent legislation, there was a difficulty in getting a sufficient number of trained teachers; but efforts were made to meet this new demand, and these efforts, I believe, have been adequate to the occasion."

Mr. Renouf writes to me his experience of the Irish National teachers—

"The only kind of training some of them ever received consisted in listening to the remarks made by the Inspector during the short evenings of their schooling, as evidenced by the results of the examination. These remarks are, no doubt, always of the most judicious, instructive kind. But it would be ludicrous to say that they can in any way compensate for the absence from regular systematic training, beginning as it does here, with an apprenticeship of four or five years, and completed by one or two years' instruction in a training school; nor, again, can any number of examinations compensate for the want of it. The possession of knowledge is certainly one important qualification of a teacher, but it is not the only one. The amount of knowledge which has been taught in our elementary schools is hardly greater than that which is possessed by every man and woman of the middle and upper classes of society. But it is a most fatal mistake to imagine that those who are possessed of it are thereby qualified to be teachers. Teaching is an art, the theory and practice of which have to be learned, like those of every other art, from competent masters. The best of the 'adventure' schools in this country, though sometimes conducted by persons who have had a very good education, cannot stand a moment's comparison with those taught by our certificated teachers. The teachers of ragged schools are sometimes almost as well informed as the certificated teachers, but their schools break down whenever examined even according to a low standard. There is a very noticeable difference, too, between two classes of the certificated teachers themselves. All our certificated teachers have not been trained. The English Code allows teachers who have obtained a favourable Report from an Inspector, or served as assistants for at least six months under a certificated teacher, to present themselves at the Christmas examination for certificates. Now, although some highly gifted teachers have in this way come into the profession, I do not for an instant hesitate in saying that it would be most disastrous if the great supply of teachers ceased to be derived from the training schools. The result of my experience is that school managers who find themselves tied by their engagements to teachers who have not been systematically trained, are perpetually in danger of seeing the efficiency of their schools dwindled down to the lowest degree. I could mention some very striking instances in proof of this. It was part of my duty while reporting to the Royal Commission, to discuss the question of training schools. That question, if I rightly remember, was reserved for two very competent members of the Commission; but I had no more doubt in 1868 than I have now in 1874, that the schools in Ireland will never attain the efficiency of English schools in connection with the Education Department, until they are conducted by masters and mistresses who have gone through as completely systematical a course of training as the immense majority of the certified teachers of Great Britain."

If I were to stop here I might ask your Lordships, how can the Irish, two-

thirds of whose teachers are untrained, compete in the battle of life with their Scotch and English fellow-countrymen? But, my Lords, we have not yet sounded the depth of the inferiority of Irish teaching power. What does training mean in England and Scotland, in Europe, in America, everywhere except in Ireland? With hardly an exception, in every country except Ireland, two years in a normal school is required; in many countries three, and sometimes even four years' residence is insisted upon. I will not weary your Lordships by describing the training of foreign countries; I will confine myself to Great Britain. Here the future teacher has to pass five years as a pupil teacher, and two years in a normal school. Can any part of that training be dispensed with? I might cite here the opinion of the Privy Council, as expressed in its minutes of the heads of the normal schools, of the Inspectors. It is sufficient for me to appeal to the high authority of the right rev. Prelate who presides over the diocese of Manchester. Listen, my Lords, I beg of you, to the weighty words of so competent an authority—

"The value," his Lordship says, "of a second years' training, morally and intellectually, is indisputable. It is the one fact in the entire range of educational questions, upon which there is an entire consensus of witnesses."

Scotland, as my right hon. Friend Mr. Playfair informs me, not content with two years' training in a normal school for her schoolmasters, is about to recommend to the noble Duke the Lord President that the Scotch schoolmasters should be required to take out University degrees, and Professors of the Art of Teaching are about to be appointed in the Scotch Universities. Turn now, my Lords, I beg of you, to Ireland. The English and Scotch, with their minerals and their commerce, have many advantages over us. We require good education—not less, but more than they do. Forty-four years after the establishment of the national system, only 3,518 of our teachers, out of 9,802, have received any training. The 3,518 so-called trained teachers have been trained, not two years as in Great Britain, not even one year, but only four and a-half months; and this training they received, not before they became teachers, but afterwards. They have been taken from the schools they were teaching, and

Government which had preceded them. No man was better acquainted with the working of the national system in Ireland than the noble Lord. He had listened with the greatest respect to all the noble Lord had said; and he could assure him that the subject would receive the attention of the Government.

LORD CARLINGFORD said, that though the noble Duke had expressed himself in general terms only, his observations must be satisfactory, as far as they went, to the friends of education in Ireland. He by no means blamed Her Majesty's Government or the party opposite, in regard to the subject which his noble Friend had brought before the House, except in this one respect. When, eight years ago, it became his duty, on the part of Lord Russell's Government, to propose a plan to remedy the state of things in respect of the training of teachers which had then become serious, and when that plan had been accepted unanimously by the Commissioners of National Education, then, unfortunately, the incoming Government of Lord Derby refused to give their consent to it, and instead of doing so appointed a Royal Commission. That Commission collected some very valuable evidence, but, owing to the delay at a favourable moment, nothing had since been done in the direction of the plan. For this no blame was attributable either to the late Government or to the present one. Certainly no one could accuse the late Government of having done too little in Irish affairs; and in the matter of education they did much. They had introduced the system of payment by results into the schools of the Irish Board, and they had added considerably to the scanty and still inadequate salaries of the teachers. But the question of training teachers remained unsolved, and as to it the state of things was even worse than in 1866. There could be no doubt that in Lord Derby's Letter a *bona fide* system of training teachers for the national schools was contemplated—and, indeed, such a system had been suggested by a Commission as far back as 1812. It was remarkable that whereas in England and Scotland, with denominational difficulties far less serious than those of Ireland, the Government had found themselves compelled to leave the organization and management of those train-

ing schools to private enterprise in connection with denominations, and in aid of this private enterprise large grants were paid. In Ireland, on the contrary, with a mixed population of Roman Catholics and Protestants, the exclusive system was maintained in the single Normal School. If it had not been for the pupil teachers and the monitors, which was so valuable a part of the system, he did not know how the national system could have gone on in Ireland. There were pupil teachers in this country also, but they did not supersede the system of training schools. They ought not to supersede it in Ireland. In 1866 there were 7,472 schoolmasters in the service of the Irish Board, of whom 4,309 had received no training. Three years later on, in 1869, the Royal Commissioners reported that 58 per cent of the national teachers in Ireland were untrained. The Report of the Board for the year 1872, recently presented to Parliament, stated that of a large number of new teachers who came into office in that year, only a few had received training in the Normal training school at Dublin. The room in the school was so scanty, and the term for training so short, that the inconvenience was felt in every school in Ireland; but those who felt it most were the Roman Catholics, for though of the students in the Marlborough Street Normal School one-half were Roman Catholics, of the total number of teachers in the national schools about 80 per cent were Roman Catholics. An assistant commissioner who made an inspection of the schools in the county of Londonderry, where the schools were nearly all Protestant, found that nearly all the teachers were trained; while on an inspection of the schools in the county of Limerick, where they were nearly all Catholic, it was found that special training was all but extinct. His friend, Sir Alexander M'Donnell, the late Resident Commissioner, who had rendered the greatest service to the cause of national education in Ireland, asserted that the present system of providing trained teachers had failed to the root. His own proposal in 1866 was that grants be made to training schools established by private efforts, such grants to be made without regard to religious denomination, provided that the school submitted to all the educational requirements of the

The Duke of Richmond

Board, and was open to inspection. In this case the State must be liberal in Ireland as it was in England. Local support unaided could not be expected to maintain training schools. The question was one of great interest, and he hoped that no party feeling would be allowed to interfere with its satisfactory solution.

LORD O'HAGAN said, that as a Member of the National Board, he should not be doing his duty if he did not say that his views were in entire accordance with those of the noble Lord who had preceded him. He would assert that though the present system had been assailed from all sides, it had been most successful. From the centre of Ireland to the sea, everywhere the anxiety of the people to obtain a good education was demonstrated. No one would assert that the Irish children were inferior in intelligence to those of England and Scotland; but there could be no good teaching without good teachers, and the want of proper training would nullify, to a large extent, the benefits of the noblest institution which Ireland ever owed to the Imperial Government. There were difficulties in connection with the denominational principle, as affecting family life. It had not the same relation to the day scholar and the boarders, or to the teacher residing in community with his brethren and the scholar resident in his home. The distinction had been recognized by the Legislature in the cases of reformatories and industrial schools, and it would justify such a solution as had been proposed by his noble Friend, of which he entirely approved.

LORD LISGAR considered that the salaries given to teachers were too small—so small were they that teachers were tempted to leave the public schools for the purpose of giving instruction in private schools, and of going to the Colonies. The salary of a teacher was £20 less than many gentlemen gave to some of the servants in their household. Unless the Government should be prepared to give an increase to the salaries of the female teachers, he thought that all efforts to improve the training system would go for nothing.

Motion agreed to.

WORKING MEN'S DWELLINGS

BILL—(No. 135.)

(*The Earl of Shaftesbury.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF SHAFTESBURY, in moving that the Bill be now read the second time, said, its object was to encourage the erection of dwelling-houses suitable for persons employed in manual labour, to afford facilities for the acquisition of sites for such dwelling-houses, and for their cheap and easy transfer. Their Lordships were well aware of the great hardships inflicted on the labouring classes—particularly in large towns—by the difficulty of obtaining healthy and decent habitations. It seemed impossible to expect that this great evil could be remedied by any amount of individual exertion—it must be encountered by operations on a large scale. This had been done successfully at Edinburgh, and Glasgow, and other places. There were two classes of artisans—those who had fixed employments, and fixed places and hours of work—the others were without these advantages. Now, it would undoubtedly be an advantage to the better class if they could be provided with, or provide for themselves, an improved class of dwellings in country districts, where, in addition to the advantages of a better dwelling at a cheaper rate, they could also have the benefit of fresh air. This the Bill was intended to promote—and it should be remembered, further, that if this could be done, and the working classes of the large towns could be removed to country districts, the closely packed dwellings of the towns could be improved and turned to the advantage of that other and less fortunate class of workmen. The Bill provided, in the first place, to authorize the town council of any borough to direct that lands vested in them should be laid out in sites for dwelling-houses suitable for the occupation of persons employed in manual labour, in accordance with plans to be approved at a public meeting of the burgesses of such borough and by the Secretary of State for the Home Department. It provided a Register Book, in which was to be entered a concise description of each separate parcel

of land delineated in the plan of sites. It authorized such corporations to make the necessary roads, walls, drains, and other works, to fit the property for use as building lands; and to put the land when so improved up for sale by auction in separate parcels to be conveyed to the purchasers by a simple form of conveyance under the corporate seals; such sales to be subject to the condition that a dwelling-house should be erected on each plot within the term of three years from the date of the purchase on pain of forfeiture. On the completion of a dwelling-house in compliance with the plans the registered owner would receive a certificate, after which the site could not be forfeited. The Bill, while it registered the site, and gave to the owner a registered title, proposed also a simple form of conveyance, on the execution of which the transfer of ownership would be recorded on the register. In like manner, all leases or agreements respecting any site were to be produced to the proper officer, and placed upon the register. The site could not be subdivided, but several persons might become joint owners. He thought this measure would meet an urgent and daily-increasing want, by increasing the number of dwellings for the poorer classes, and would afford the working classes a means of investing their savings profitably and securely, which they did not at present possess. Under these circumstances, he trusted their Lordships would read the Bill a second time.

Moved, "That the Bill be now read 2^d."
—(*The Earl of Shaftesbury*.)

THE DUKE OF SOMERSET pointed out that the Bill gave the freehold of the sites to those who became possessed of them. How would it be possible to prevent those parties from dealing with them in any way they might think proper? There would be no security that the dwellings would be continued as those of the working classes. The Bill was very well-intended, but it was very defective, and, in his opinion, would prove impracticable.

LORD NAPIER AND ETTRICK said, the noble Duke had, he thought, pointed out a weak place in the Bill, and he thought some security should be required that the powers given by the Bill should not be diverted to purposes alien from the principle of the measure. Ac-

cording to the Bill the plan of the houses to be built must be approved by the Municipal Council; and, no doubt, under their supervision, only those would be built which were essentially working men's houses. But, in his opinion, it would be necessary that the builder or purchaser of the houses should not be able to dispose of them, or make any change in their construction, without the consent of the Council that had sanctioned their construction, so that a control might be exercised in the future in this respect. It was provided by the Bill that after the land had been once marked out and appropriated, the "sites" could never again be divided. That seemed to him unreasonable, and he thought a clause might be introduced permitting, with the consent of the Municipal Council, the division of the sites, should it appear advisable. He thought there were imperfections in the Bill; but they were imperfections which could be remedied in Committee, and the Bill might be made a very useful measure.

THE MARQUESS OF BATH said, the object of the Bill was a very good one—namely, to allow municipal corporations to dispose of land in their possession for the purpose of erecting dwellings suited for the artizan and labouring classes. He did not, however, see that a Bill of 46 clauses was required to effect that object; a short Act simply giving power to corporations to sell the land for a term of years, with a reservation of a certain rent—a nominal rent if they pleased—and with the condition attached that houses built on it should be of a character suitable to working men, and, further, that those conditions should not be departed from without the consent of the corporation, would effect all the noble Earl desired.

EARL GRANVILLE said, he thought that the objection raised by the noble Duke (the Duke of Somerset) required some answer. He did not very well see how the difficulties suggested in the course of the discussion were to be removed.

THE LORD CHANCELLOR said, the object sought to be attained was of so desirable a character that he was unwilling to say a word that would throw a doubt on the possibility of the working of the Bill. He confessed he was surprised to hear that there were corporations which had got any amount of land

The Earl of Shaftesbury

they would be enabled to dispose of in this way. No doubt, there might be some corporations in such a position; but, as a rule, they generally sold their land, or applied it to other purposes. But, assuming there were a number of places in which the Bill could be brought into operation, no doubt the size and description of the dwellings to be built upon the sites might be determined in the manner provided by the Bill; but then there would arise the question of title. How could they dispose of land in fee-simple without giving to the owner all the rights incident to ownership in fee-simple? There was a provision in the Bill which made the town clerk an agent for registering these properties, and which placed him in the position of a Land Registrar. Now, the provisions of the Land Registry Bill would be seriously interfered with, if the town clerks throughout the country were made Land Registrars. If it were desirable that corporations should be allowed to parcel out their land for dwellings for the labouring classes, the only way was to give them the power to grant leases. A building lease for 99 years was in London thought to be almost as good as a freehold, and the corporations might insert covenants as to the way in which the land should be used. He did not wish to offer any objections to the second reading, but the Bill would require considerable revision in Committee.

LORD REDESDALE said, that the Bill only allowed a single house to be built upon each parcel of land, and it might thus be unfavourable to the ulterior improvement of those dwellings. There might be a difficulty in dealing with the land for the very purposes contemplated by the Act. He would not oppose the second reading, but he doubted whether the details would be found practicable.

THE EARL OF KIMBERLEY desired to point out that a site which might in the first instance be convenient for working men's dwellings, might not be so at a subsequent period. A few years might change the whole character of a neighbourhood, and the land thus divided and appropriated might be required for other purposes. But, as the sites were devoted in perpetuity to the purpose of working men's dwellings, they would possibly create impediments to great improvements; or the particular industry

which had made those dwellings desirable might depart from the neighbourhood, and they would thus become useless for the purpose for which they were intended, and would not be applicable to any other.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Monday next.

CONFERENCE AT BRUSSELS— RULES OF MILITARY WARFARE.

QUESTION.

THE EARL OF DENBIGH, in rising to inquire whether Her Majesty's Government have decided on sending a Commissioner to the Conference at Brussels, and to present Petitions on the subject, said, he desired to elicit information on the subject, so that their Lordships might clearly understand what was proposed to be done. Very shortly after the Franco-German War he received, in common with many others who had devoted their attention to the care of the wounded during its continuance, a written communication from a German nobleman, whom it was not necessary to name, requesting support to a scheme having reference to the conduct of hostilities by nations engaged in war, and in especial with reference to the treatment of the wounded and prisoners of war. This scheme it was proposed to carry out by means of an International Society, to be called the "Universal Alliance," and to be worked by means of diplomatic action. This had a very philanthropic sound, and at first sight seemed very desirable. He accordingly gave a general, though qualified, approval. For months he heard nothing more; until he received one or two letters from an English gentleman, who said that, seeing his name, with that of many others, figuring as supporting the action of this German nobleman, he thought it his duty to warn him to be on his guard. The writer gave his reasons for the warning; and he (the Earl of Denbigh) accordingly wrote to desire that his name might not appear any more in connection with the plan. Soon after he received a communication from another correspondent—this time a French nobleman. He wrote to Paris to make inquiries as to this person's character and antecedents, but failed to obtain any information that could be considered satis-

of land delineated in the plan of sites. It authorized such corporations to make the necessary roads, walls, drains, and other works, to fit the property for use as building lands; and to put the land when so improved up for sale by auction in separate parcels to be conveyed to the purchasers by a simple form of conveyance under the corporate seals; such sales to be subject to the condition that a dwelling-house should be erected on each plot within the term of three years from the date of the purchase on pain of forfeiture. On the completion of a dwelling-house in compliance with the plans the registered owner would receive a certificate, after which the site could not be forfeited. The Bill, while it registered the site, and gave to the owner a registered title, proposed also a simple form of conveyance, on the execution of which the transfer of ownership would be recorded on the register. In like manner, all leases or agreements respecting any site were to be produced to the proper officer, and placed upon the register. The site could not be subdivided, but several persons might become joint owners. He thought this measure would meet an urgent and daily-increasing want, by increasing the number of dwellings for the poorer classes, and would afford the working classes a means of investing their savings profitably and securely, which they did not at present possess. Under these circumstances, he trusted their Lordships would read the Bill a second time.

Moved, "That the Bill be now read 2^d."
—(*The Earl of Shaftesbury*.)

THE DUKE OF SOMERSET pointed out that the Bill gave the freehold of the sites to those who became possessed of them. How would it be possible to prevent those parties from dealing with them in any way they might think proper? There would be no security that the dwellings would be continued as those of the working classes. The Bill was very well-intended, but it was very defective, and, in his opinion, would prove impracticable.

LORD NAPIER AND ETTRICK said, the noble Duke had, he thought, pointed out a weak place in the Bill, and he thought some security should be required that the powers given by the Bill should not be diverted to purposes alien from the principle of the measure. Ac-

cording to the Bill the plan of the houses to be built must be approved by the Municipal Council; and, no doubt, under their supervision, only those would be built which were essentially working men's houses. But, in his opinion, it would be necessary that the builder or purchaser of the houses should not be able to dispose of them, or make any change in their construction, without the consent of the Council that had sanctioned their construction, so that a control might be exercised in the future in this respect. It was provided by the Bill that after the land had been once marked out and appropriated, the "sites" could never again be divided. That seemed to him unreasonable, and he thought a clause might be introduced permitting, with the consent of the Municipal Council, the division of the sites, should it appear advisable. He thought there were imperfections in the Bill; but they were imperfections which could be remedied in Committee, and the Bill might be made a very useful measure.

THE MARQUESS OF BATH said, the object of the Bill was a very good one—namely, to allow municipal corporations to dispose of land in their possession for the purpose of erecting dwellings suited for the artizan and labouring classes. He did not, however, see that a Bill of 46 clauses was required to effect that object; a short Act simply giving power to corporations to sell the land for a term of years, with a reservation of a certain rent—a nominal rent if they pleased—and with the condition attached that houses built on it should be of a character suitable to working men, and, further, that those conditions should not be departed from without the consent of the corporation, would effect all the noble Earl desired.

EARL GRANVILLE said, he thought that the objection raised by the noble Duke (the Duke of Somerset) required some answer. He did not very well see how the difficulties suggested in the course of the discussion were to be removed.

THE LORD CHANCELLOR said, the object sought to be attained was of so desirable a character that he was unwilling to say a word that would throw a doubt on the possibility of the working of the Bill. He confessed he was surprised to hear that there were corporations which had got any amount of land

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they would be enabled to dispose of in this way. No doubt, there might be some corporations in such a position; but, as a rule, they generally sold their land, or applied it to other purposes. But, assuming there were a number of places in which the Bill could be brought into operation, no doubt the size and description of the dwellings to be built upon the sites might be determined in the manner provided by the Bill; but then there would arise the question of title. How could they dispose of land in fee-simple without giving to the owner all the rights incident to ownership in fee-simple? There was a provision in the Bill which made the town clerk an agent for registering these properties, and which placed him in the position of a Land Registrar. Now, the provisions of the Land Registry Bill would be seriously interfered with, if the town clerks throughout the country were made Land Registrars. If it were desirable that corporations should be allowed to parcel out their land for dwellings for the labouring classes, the only way was to give them the power to grant leases. A building lease for 99 years was in London thought to be almost as good as a freehold, and the corporations might insert covenants as to the way in which the land should be used. He did not wish to offer any objections to the second reading, but the Bill would require considerable revision in Committee.

LORD REDESDALE said, that the Bill only allowed a single house to be built upon each parcel of land, and it might thus be unfavourable to the ulterior improvement of those dwellings. There might be a difficulty in dealing with the land for the very purposes contemplated by the Act. He would not oppose the second reading, but he doubted whether the details would be found practicable.

THE EARL OF KIMBERLEY desired to point out that a site which might in the first instance be convenient for working men's dwellings, might not be so at a subsequent period. A few years might change the whole character of a neighbourhood, and the land thus divided and appropriated might be required for other purposes. But, as the sites were devoted in perpetuity to the purpose of working men's dwellings, they would possibly create impediments to great improvements; or the particular industry

which had made those dwellings desirable might depart from the neighbourhood, and they would thus become useless for the purpose for which they were intended, and would not be applicable to any other.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Monday next.

CONFERENCE AT BRUSSELS— RULES OF MILITARY WARFARE. QUESTION.

THE EARL OF DENBIGH, in rising to inquire whether Her Majesty's Government have decided on sending a Commissioner to the Conference at Brussels, and to present Petitions on the subject, said, he desired to elicit information on the subject, so that their Lordships might clearly understand what was proposed to be done. Very shortly after the Franco-German War he received, in common with many others who had devoted their attention to the care of the wounded during its continuance, a written communication from a German nobleman, whom it was not necessary to name, requesting support to a scheme having reference to the conduct of hostilities by nations engaged in war, and in especial with reference to the treatment of the wounded and prisoners of war. This scheme it was proposed to carry out by means of an International Society, to be called the "Universal Alliance," and to be worked by means of diplomatic action. This had a very philanthropic sound, and at first sight seemed very desirable. He accordingly gave a general, though qualified, approval. For months he heard nothing more; until he received one or two letters from an English gentleman, who said that, seeing his name, with that of many others, figuring as supporting the action of this German nobleman, he thought it his duty to warn him to be on his guard. The writer gave his reasons for the warning; and he (the Earl of Denbigh) accordingly wrote to desire that his name might not appear any more in connection with the plan. Soon after he received a communication from another correspondent—this time a French nobleman. He wrote to Paris to make inquiries as to this person's character and antecedents, but failed to obtain any information that could be considered satis-

factory, and he took no notice of the communication. He next heard of a deputation of the Universal Alliance being received by the Emperor of Russia at Buckingham Palace, and His Majesty's adoption of the project. But their Lordships ought to know the difference between the original programme of the Universal Alliance and the sheet which he now held in his hand. Originally this Society had been instituted for ameliorating the treatment of prisoners of war, under diplomatic action; but it had now developed itself into a large scheme for the "promotion of international works of humanity," and was contained in 147 Articles—a broad sheet of which he held in his hands—which, it was added—

"Will be submitted to a Conference of delegates from the various Governments. These will constitute a Convention analogous to that of Geneva in favour of the wounded in war, and will eventually add another page to the Code of International War."

A Vienna journal gave the programme of the forthcoming Congress at Brussels, and a *résumé* of the principal Articles which Prince Gortchakoff was said to have proposed for the consideration of the future Congress. By the 3rd Article the very point of maritime seizure would be seen to be barred without the subject being even mentioned—

"3.—Establishment of the principle that, in case of war, the armed force of one State only fights against the armed force of the other, but does not consider as an enemy the peaceable citizen who is not equipped as a soldier."

This applied generally would debar our naval force from capturing merchantmen. Article 4 was as follows:—

"Establishment of the principle of public law that in territories occupied by the enemy the army of occupation alone is to be considered as possessing legal authority."

By this it would appear that if a foreign force landed in Kent, that county would cease to belong to the Queen, and would belong to the invader. Hitherto the safeguard of a country had been thought to be the breast and arm of every citizen. However powerful the attacking force, it was at least in an enemy's country; the object now was to deprive the country attacked of that advantage. When once a pitched battle was lost the attacking force was to cease to be in an enemy's country, and all resistance to it would be considered a crime. All hostilities not commanded by Government were to be

treated as piracies or brigandage; therefore, if any part of a country should be separated from the seat of Government it could no longer resist. Then the question might arise—Who were the Government? The whole country would follow the fate of the seat of Government—for the enemy might refuse to acknowledge a Provisional Government. By these laws, Osborne must be allowed to be an inviolate marine residence for Her Majesty; otherwise, if an enemy's fleet obtained possession of Her Majesty's sacred person we should have no right to continue the contest. All this was to be worked out on the pretext of insuring the good treatment of prisoners of war. But had we any such doubt of our own humanity that we needed a Congress to compel us to treat prisoners of war humanely? He would also ask, who was to enforce these regulations? Were the neutral States to have an armed force and commissioners for this purpose? In order fully to appreciate the importance of the whole question, and the reasons which would naturally impel Russia to use every endeavour to impede the maritime action of England, he would beg their Lordships to consider briefly the respective geographical position and configuration of England and Russia. England might be likened to one of those marine monsters of which we had heard, which had a small head but enormous limbs, and long and powerful tentacula. Through her maritime power she was able to scour every sea and seize her enemy's goods and annihilate their commerce at the ends of the earth. Let this power once be taken from her, let her be shorn of her tentacula, she then would become an inert and helpless mass, incapable of aggression, and an easy prey to any superior military power. Russia, on the other hand, was like a huge giant with a slender throat, which could be compressed by three fingers. Her commerce consisted, for the most part, of raw and bulky materials, which necessitated sea transit—timber, hides, tallow, and minerals. Her mercantile navy had but three outlets—the Black Sea, the Baltic, and the White Sea. A small squadron sent to the Dardanelles and the Sound, would command the two first, and the British cruisers thus securing every outlet, Russia would in a short time die, as it were, of asphyxia, and be at the complete mercy

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of England. Two of the most able men in their several spheres—Sir John McNeill and the late Mr. Richard Cobden—had said of Russia, the first that—

“The Right of Search and Seizure, which constitutes the Maritime Power of England, is a providential weapon placed in the hand of England for the coercion of Russia.”

The second that—

“It is clear that Nature itself has doomed Russia to a condition of abject and prostrate subjection to the will of the Maritime Powers.”

So sensible was Russia of her dependent position as regarded England, that she had most consistently used every opportunity of enforcing as an international rule that the goods of an enemy not contraband of war should be inviolate in neutral ships. For this, the league called the Armed Neutrality was formed in 1796, and firmly and successfully resisted by England. At the commencement of the Crimean War, England and France were inveigled into conceding it, and after that war in 1856 we were foolish enough to agree to the Declaration of Paris, which professed to establish that fatal principle. What had been the result to France? In the late Franco-German War, the German fleet shut itself up in the harbour of Kiel, surrounded by torpedoes, and the French fleet, estopped from touching her enemy's commerce at sea, was useless. This rumoured Congress was, doubtless, proposed to give an additional sanction to these principles, and it had created great alarm in some parts of the country, and public meetings had been held at Newcastle, Sunderland, Birmingham, Keighley, and other places, when Petitions to both Houses of Parliament were agreed to, praying that an Address might be presented to Her Majesty against sending a representative to the Conference, which he would now present to their Lordships. He had also an important Petition which he wished to read to them *in extenso*. It was from a gentleman well known to the leading statesmen and diplomatists of his day, and admired for his genius by all who had the pleasure of his acquaintance. He was as remarkable for his untiring industry in unravelling the tortuous mazes of diplomatic action as he was for his wonderful forecasts of their result; while he, as a second Cassandra,

stood warning from time to time his countrymen of the dangers which were coming upon them. The Petition was as follows:—

“To the Honourable the Commons of Great Britain and Ireland in Parliament assembled.

“The Petition of the Undersigned sheweth,—

“That your Petitioner, at the moment of the despatch of British troops to the Ottoman Empire, under colour of a pretended Declaration of War against the Emperor of Russia, did address to the Honourable House of Commons a Petition representing that such forces were not required to support the Sultan, and that their presence on the field of War and the use that would then be made of them would only have for effect to aid that ambition of the Czar against which it was proposed to protect the Sultan and the world.

“That the events of the twenty years which have elapsed have confirmed the allegations of the said Petition.

“That, further, your Petitioner had represented that it was in the design of this most needless but fatal War to bring upon the British Empire by means of it, the gravest injury and peril by the surrender of its strength, so that it should be deprived of the use of its natural arm for its own just defence.

“That this anticipation was in like manner confirmed by the so-termed ‘Declaration respecting Maritime Law,’ secretly signed at Paris for the suppression of the use of Privateers and of the capture of the produce and property of belligerents embarked on the vessels of neutrals.

“That from April, 1856, to the present day, no reason has been assigned by any public man for this surrender, and that no such man, either in your Honourable House or elsewhere, has spoken thereon without condemning it, and designating it as a ruinous, fatal, or suicidal measure.

“That, nevertheless, no measure has been taken and no act proposed for its reversal.

“That through its operation Great Britain has, during these eighteen years, been shown to be powerless as a great State, and is acknowledged to be incapable of exercising either power or influence over foreign events arising out of the ambition of the Governments whose power is exclusively territorial and military.

“That France, who joined in the same Declaration, although a Military as well as a Maritime Power, has, in consequence thereof, been struck down by a Government inferior to herself in the aggregate, being absolutely destitute of naval means.

“That Maritime Power consists entirely in the capture and confiscation of the goods of the enemy.

“That this power as applied to Russia, becomes, in consequence of the nature of her products and the configuration of her territory, an absolute supremacy, against which she cannot struggle and to which she must submit.

“That by causing the sentiment to prevail throughout Europe, and to be acted upon, that it is not proper to capture the goods of an enemy

if these goods be afloat and not on land, the control actually possessed by the Maritime Powers over the Military Powers will be changed into a control of the Military Powers over the Maritime Powers.

"That these truths have been severally perceived and announced by the two men of most authority in their several branches, the late Envoy to Persia, Sir John McNeill, and Mr. Richard Cobden, the first declaring that it is 'the Right of Search and Seizure which constitutes the Maritime Power of England, which power he designated as a providential weapon placed in the hand of England for the coercion of Russia.' The second said—'It is clear that Nature itself has doomed Russia to a condition of abject and prostrate subjection to the will of the Maritime Powers.'

"That this position has not been apprehended, by the reason that the Maritime Powers (with the sole exception formerly of the surrender of the Right of Search) have had no other will than that of Russia, seeing that the Ministers of the Crown of Russia are abler ministers than those of the other Crowns of Europe.

"That in 1780 the Government of St. Petersburg first put forward the maxims contained in the Declaration of Paris, with the avowed purpose of destroying, through their general acceptance, the power of England.

"That the advantage for which an able Government has toiled for a hundred years, must be for itself very great, as also the difficulties that it has had to encounter. So proportionately great must be the injury which it expects will be thereby inflicted on the other Governments, to circumvent whom its care has been given. At that period it succeeded in obtaining the adhesion of all the Powers to a measure without advantage to them, but nevertheless ultimately failed, through the opposition of the British Government, acting under a due sense of its duties and its rights.

"That this same Government of St. Petersburg, in 1856, abstained from appearing to suggest or enforce their adoption, but really did obtain them through indirect means.

"That in 1870 France might have resumed the exercise of her Maritime means; in view of such a contingency the English Minister for Foreign Affairs addressed a despatch to Paris, calling on the French Government not to depart from the rules laid down in the Declaration of Paris 1856. A similar despatch was addressed to Berlin which was without meaning, Prussia not having any maritime power to exert.

"That France, if again attacked and now enlightened as to the effects of such surrender, might resume those rights.

"That England might do the same. That to bar such contingency it must be and is the design of the Government of St. Petersburg to obtain such sanction for the Declaration of Paris, as shall prevent, in future contingencies, the Naval Powers from putting forth their naval strength.

"That having failed, during eighteen years, to obtain such sanction through the Crowns or Parliaments of either of these countries, other means will be employed for the attainment of this end.

"That this end can be attained through what is called 'Public Opinion.'

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"That 'Public Opinion' is to be made to believe that it is desirable, for the common good of humanity, that the property of belligerents shall enjoy immunity when coming within reach of maritime belligerents, in other words, 'sparing private property at sea.'

"That this design has been brought so far towards maturity that a mixed Congress of anomalous nature has been summoned at Brussels under the personal influence of the Emperor of Russia, to determine the new laws that shall regulate the action of belligerents.

"That Representatives, not only of the different Sovereigns, but also of the various departments of the separate Governments, are to constitute this new extra-National Legislative Assembly.

"That your Honourable House, together with the other House of Parliament, and the Queen, can alone alter the laws of England.

"That all three cannot alter the Law of Nations in its fundamental parts, such as that of forbidding a nation to use its natural means of defence.

"That the measures proposed are contrary, and subversive of, the laws of England as well as of those of Nations and of Nature.

"That the object in view is to deprive England of the power of resisting any and every unjust demand, and to repeat with impunity a further partition of France, and the infliction on her of a further ransom.

"Your Petitioner therefore prays your Honourable House in your wisdom to perform the service of advice due on your allegiance to the Queen, by presenting a humble address warning Her Majesty of the danger of affording, by the presence of Her Representatives, any colour to such an anomalous assemblage, but instead thereof to declare null and void the Declaration of Paris of 1856.

"And your Petitioner will ever pray,

"DAVID URQUHART.

"Carstairs House, Lanark."

He (the Earl of Denbigh) would now invite his noble Friend, who would perhaps tell him that naval questions were not to be imported into the discussions, to give some such answer as the following to the invitation to join the Congress:—

"We have already become aware of our error in consenting to the conditions laid down in the Declaration of Paris. So far, therefore, from consenting to take any fresh obligations of a similar nature upon ourselves, we here declare that we withdraw from those conditions. We desire to remain at peace, but should we ever again be engaged in war, we intend to employ our full powers as a Maritime Power to which we are entitled by a natural right, and England shall be herself again." He begged to ask his noble Friend the Question of which he had given Notice—whether Her Majesty's Government have decided on sending a Commissioner to the Con-

ference at Brussels? The noble Earl presented Petitions from Keighley and other places praying that no representative might be sent from this country to the Congress at Brussels; and also for the abrogation of the Declaration of Paris.

THE EARL OF DERBY: My Lords, I am not sorry that my noble Friend has taken this opportunity of putting to me the Question of which he put a Notice on the Paper, because the subject of his inquiry is one which has attracted, and very properly attracted, a considerable share of public attention; and I cannot doubt, from various communications which I have received, and what has appeared in the public journals, that some uneasiness and some apprehension is felt in regard to it. Now, I do not think that feeling of uneasiness is, under the circumstances at all unnatural or unfounded, and I am glad that my noble Friend gives me the opportunity of doing something to dispel it. I do not think I need follow my noble Friend through his inquiry as to the origin of the Conference which is now proposed. I am not aware that I ever heard of the body calling itself the "Universal Alliance," and I suspect very few have done so. Nor do I understand how any of the Governments who are to send representatives to the Conference about to be held at Brussels can be considered responsible for the Articles to which my noble Friend has referred. All I know about the matter is that one gentleman whose name appears in the paper which my noble Friend has placed in my hands, wrote some months ago to the Foreign Office, suggesting some plan for universal agreement among European Governments as to the treatment of prisoners of war, &c.; but I did not take any particular notice of that communication, because it came with no authority. But the Conference to which we are now invited has been set on foot, as everybody knows, by the Emperor of Russia, and though in many quarters great doubts are entertained as to the possibility of its accomplishing its purpose and leading to any practical results, still all the Governments of the great European Powers, and, I believe, all the Governments of Europe, great or small, have accepted the invitation to send representatives to it. We thought it better, on the part of Her Majesty's Government, to wait to the last before giving our re-

ply to the invitation we received. We have not given any particular encouragement to the proposal, nor have we assumed an attitude of confident expectation or belief that any great result would come from the Conference; but, considering that the object put forward is the mitigation of the suffering caused by war, and considering that all the great military Powers, without exception, have acquiesced in this Conference being held, it seemed to us that absolutely and unconditionally to stand aloof from the discussion which is about to be held would be a proceeding liable to misinterpretation, both upon grounds of humanity and upon grounds of international courtesy. We have therefore decided, not, on the one hand, to refuse that invitation, but, on the other hand, not to accept it unconditionally. We propose to accept it only under certain important reservations and conditions, and these reservations and conditions will be fully stated in the reply which I am now sending. In the first place, we shall state that we are firmly determined not to enter into any discussion of the rules of International Law by which the relations of belligerents are guided, or to undertake any new obligations or engagements of any kind in regard to general principles. We further propose to protest against any extension of the scope of the Congress which should include matters relative to maritime operations or to naval warfare; and we have announced that unless we receive distinct and positive assurance that no such extension is contemplated, we shall decline to send a representative to the Conference. Lastly, if a representative should be sent, he will not be invested with plenipotentiary authority; he will not be empowered to consent, on the part of Her Majesty's Government, to any concession, or to the adoption of any new rule; he will be simply present to assist in the discussions which may be held, and report the proceedings to us. But Her Majesty's Government will reserve to itself entire freedom of action in regard to any proposals which may emanate from the Conference. I think that, under these conditions, even my noble Friend will consider that he has sufficient security against our being hurried into precipitate conclusions or into concessions of which we might not see the consequences. I hope to be able to lay the Papers on the Table in the

course of the next three or four days. I should have done so already, but that it would hardly be courteous to the other parties concerned that they should see my Answer in the form of a Parliamentary Paper before it had reached them in any other shape.

House adjourned at half-past Seven o'clock, till Monday next, eleven o'clock.

HOUSE OF COMMONS,

Friday, 3rd July, 1874.

MINUTES.]—SELECT COMMITTEE—*Report*—Registration of Parliamentary Voters (Ireland) [No. 261]; Adulteration of Food Act (1872) [No. 262]; Public Departments (Purchases, &c.) [No. 263].

SUPPLY—*considered in Committee*—GREENWICH HOSPITAL AND SCHOOL.

PUBLIC BILLS—*Ordered—First Reading*—Industrial and Reformatory Schools* [193].

First Reading—Elementary Education Provisional Order Confirmation (No. 2)* [192].

Second Reading—Slaughterhouses, &c.* [150].

Committee—Report—Intoxicating Liquors (Ireland) (No. 2) [114-191]; Hosiery Manufacture (Wages)* [124]; Hertford College, Oxford* [103].

Report—County of Hertford and Liberty of Saint Alban* [77-190].

*Considered as amended—Rating** [180].

Third Reading—Statute Law Revision* [168], and passed.

Withdrawn—Poor Law Guardians (Ireland)* [95].

The House met at Two of the clock.

POST OFFICE—MAILS TO THE NORTH OF SCOTLAND.—QUESTION.

SIR TOLLEMACHE SINCLAIR asked the Postmaster General, Why the mail trains which are now run from London to Helmsdale, a distance of seven hundred miles, are not to be continued over the Sutherland and Caithness Line to Wick and Thurso, a distance of sixty miles, which forms the last link in the great line of through communication between England and Scotland; and, what security there will be for the regular conveyance of the mails to Caithness?

LORD JOHN MANNERS, in reply, said, that at the present time the railway referred to in the Question of the hon. Gentleman was not opened, nor was he

aware of the time at which it was intended to open it. When the work was accomplished, and after the directors had arranged their trains, the necessary arrangements would be made for the conveyance of the mails over the line, if the trains were found suitable. With regard to the last part of the Question, he had to say that the mails were now regularly conveyed to Wick and Thurso, and he had no doubt they would continue to be conveyed with the same regularity after the railway had been opened.

SIR TOLLEMACHE SINCLAIR said the Answer of the noble Lord was so extremely unsatisfactory, that he should take an early opportunity of calling the attention of the House to the subject.

THE CROWN COLONY ON THE GOLD COAST.—QUESTION.

MR. A. MILLS asked the Under Secretary of State for the Colonies, Whether the Crown Colony on the Gold Coast will be limited to the forts, or will include the towns and villages adjacent thereto; whether it is intended to garrison all the forts recently transferred by the Government of Holland to Great Britain; and, whether there will be any objection to lay upon the Table of the House, a Copy of the Commission and Instructions to be issued to the Governor to whom the administration of the combined Colony of the Gold Coast and Lagos is to be committed by Her Majesty's Government?

MR. J. LOWTHER: Sir, the precise extent of the area round the Forts which will be held and administered as British territory is not yet determined, and will depend upon the special sanitary and strategic requirements of each place, as to which very careful consideration is necessary. It is also not definitely settled which Forts—whether recently in Dutch occupation or previously British—will be held by an armed force; but a Report upon the present condition of the Forts has been called for, with a view to a decision being arrived at. The commission and instructions to be given to the new Governor have not yet been finally settled and submitted to the Queen, but there will be no objection to lay them on the Table at the proper time.

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INTOXICATING LIQUORS (IRELAND)

(No. 2) BILL. [BILL 114.]

*(Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.)*COMMITTEE. [*Progress 23rd June.*]

Order for Committee read.

Bill considered in Committee.

(In the Committee.)

Clause 12 (Amendment of sects. 10. and 11. of 3 & 4 W. 4, c. 68.).

MR. O'SULLIVAN, in moving as an Amendment, in page 7, line 26, after the word "eleven" to insert—

"That from and after the passing of this Act it shall not be lawful for any clerk of the peace in any county, city, or town in Ireland to demand a fee from any retailer of beer or spirits on the annual renewal of a licence; but nothing herein contained shall deprive any clerk of the peace in Ireland of his right to receive a sum of two shillings and sixpence for registering every new licence or transfer of an existing licence as provided by the Act of the third and fourth years of William the Fourth, chapter sixty-eight, section ten,"

said, that the fee demanded by the clerk of the peace was simply for the issue of a certificate for a renewal of the publican's licence. The clerk of the peace did not issue the licence, neither did he give a certificate for its renewal, as this was done by the magistrates in petty sessions, and the publican took it to the proper department, paid his money, and received the renewal of his licence; yet, while that was the course of proceeding, the clerk of the peace demanded a fee of 2s. 6d. For what? Absolutely for doing nothing. The amount was small; but the principle was important to licensed victuallers in Ireland. He felt the matter was a grievance, and no matter how small that grievance might be, he deemed it his duty to bring it under the consideration of the House of Commons. The 12th section of the Act said that a fee of 10s. should be paid every year for the renewal of a licence, in aid of the maintenance of the police within the Dublin district; but the clerks of the peace, who were not entitled to it, and who for many years never looked for it, now demanded and wanted to make it general. It was regarded as a grievance in all those counties in Ireland where it was enforced, it being looked upon as a species of black mail levied upon publicans, for which no ser-

vice was rendered. In some of the counties such a fee was never asked for, which was a fair inference that the clerks of the peace were not entitled to it. For his part, he regarded it as a grievance, and he was resolved to try and have it removed by appeal to Parliament.

MR. MACARTNEY thought that as the law allowed the fee, the clerk of the peace should not be deprived of it without compensation.

SIR COLMAN O'LOGHLEN, in supporting the Amendment, said, it was customary in some counties in Ireland to pay the fee of 2s. 6d. to the clerk of the peace, and in others not. In his opinion, the demand was clearly illegal. In some counties, the Chairmen of quarter sessions had recognized the claim, but in others not. It was, therefore, necessary, where doubt existed, to remove the doubt by amending the law.

SIR MICHAEL HICKS-BEACH said, he hoped the Committee would not agree to the Amendment. He objected to it on two grounds—first, it was payable both in England and Scotland, and was an insurance for the keeping of a correct register of licences. The fee was payable for taking out the certificate for a renewal of the licence. The question had been submitted to the consideration of a Court of Law, and the decision was that the fee was legal. If this House interfered, in the face of such an opinion, and decided that this fee should not be paid in future, compensation would be required by those who were deprived of it. It was only a small amount from each publican, but formed a considerable part of the emoluments of the clerks of the peace. In any measure for regulating the fees and salaries of clerks of the peace in Ireland such a question might properly be considered, but it should not be dealt with in that Bill.

MR. M'CARTHY DOWNING thought the right hon. Baronet the Chief Secretary for Ireland did not take a correct view of the matter. He (Mr. M'Carty Downing) could give the House some information on the question. For a long time after the Act was passed there was not any fee required. The renewal of a licence in Ireland was obtained, not from the clerk of the peace, but from the magistrates in petty sessions. The clerk of the peace had nothing to do with the granting of it, and for the

trouble he had in signing the certificate, he claimed 2s. 6d. In his own county—Cork—the case was brought on several times in the Court of Petty Sessions, and the claim was dismissed. This was a claim not for the issue of a licence, but for the renewal of a licence. He, however, admitted that the matter came before a very able Judge—Mr. Justice FitzGerald—who decided in favour of the clerk of the peace.

MR. C. E. LEWIS said, he was quite willing to accept the issue on that ground. Supposing this was for the renewal of a licence, and that a fee was to be paid for it, it was improper to take the fee away. The object of the certificate was for seeing that the houses were kept in an orderly manner. He submitted that the clause in question was intended to put an end to a doubtful state of the law. The clerk of the peace performed services for which he received a fee. It should be borne in mind that a register was kept from time to time of the houses and the renewals of the licences, and if the House of Commons withdrew that requirement from the Bill, the result would prove most unsatisfactory, and the register would be kept in a slovenly and incorrect manner. He submitted that the clause ought to be maintained in its present state.

MR. SYNAN said, that the only work done by the clerk of the peace was upon the original grant of the licence. Under the present Bill, the petty sessions' clerk would have to keep the register, and he, if any body, should have the fee.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, he could not agree that clerks of the peace in Ireland took money to which they were not entitled. One of the most eminent Judges on the Irish Bench had decided that clerks of the peace were entitled to the fee in question. He (the Attorney General for Ireland), however, assumed that the clerk of the peace must do some work for the fee, or it would not be payable; but he was not aware of the grounds on which the judgment proceeded. The clerks of the peace had at present a right to the fee; and if the fee were abolished, it would involve a question of compensation. In the certificate given for the renewal of the licence, the task was imposed of describing the various duties required by the law, such as naming the house,

for whom the renewal was required, &c. He thought it would be unjust to take away the fee from the clerks of the peace without compensation, and particularly after the decision of an eminent Judge that it was legal.

MR. O'SULLIVAN said, it was really too bad to hear the right hon. Gentleman so express himself. The right hon. Gentleman said there should be no objection to the clerk of the peace receiving 2s. 6d. for doing work; but he (Mr. O'Sullivan) must say the clerk of the peace had no right to receive a fee of 2s. 6d. for doing nothing. The right hon. Gentleman had made an appeal to the House, and in doing so had mystified the question, for he had not shown that the clerk of the peace had done one particle of work for the 2s. 6d.

MR. MACARTNEY said, the clerk of the peace was required to perform certain duties with regard to the certificate after it had been submitted to the justices at petty sessions, for which duties the fee was payable. A claim of the same nature made by the petty sessions clerks for entering in their books the decisions of the Bench with regard to publicans' certificates, had been resisted by the publicans, but unavailingly.

MR. D. TAYLOR said, it seemed to him that they were making a new Bill for the clerks of the peace in Ireland.

MR. SERJEANT SHERLOCK said, the clerks of the peace had nothing to do with the justices in petty sessions. The law was in a state that required amendment.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, the clerk of the peace must make some entry. He did not want him to be paid for doing nothing, but if he did something he ought to be paid. As that officer was about to have considerable further duties cast upon him by the Bill, it would be unfair to take away from him that small fee.

MR. O'SULLIVAN said, he knew from experience that the clerk of the peace did nothing. The magistrates at petty sessions gave the applicant a certificate, and he took it to the Excise Department. The clerks of the peace were levying "black mail" without any title in law to do so. He had been told that the House of Commons was always ready to redress grievances. Well, he hoped they would remove that grievance.

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For his part, he should do his duty. He maintained that it was a grievance, and he would divide the House upon it.

MR. BRUEN suggested to the hon. Member for Limerick County to withdraw his Amendment, and to the Government to give an assurance that they would look into the matter, with the view of taking away the fee if they found that no work was done for it.

SIR MICHAEL HICKS-BEACH said, there appeared to him to be great weight in the remarks of his right hon. Friend the Attorney General for Ireland, and influenced by them, and in conformity with the suggestion of his hon. Friend behind him, he would make inquiry into the matter before the Report, with a view of seeing whether any real work was done for the money; if not, he should have no objection to accede to the view taken by the hon. Gentlemen opposite.

MR. C. E. LEWIS hoped the Amendment would be withdrawn. If, as the Attorney General for Ireland had stated, the fee had been pronounced by an eminent Judge to be legal, then it ought to be maintained. It appeared to him that the matter ought not to be decided upon the mere question whether the clerk of the peace did any work for the fee, but whether it was taken into account in the settlement of the amount of his general remuneration. If they took away that which had been recognized as remuneration for the performance of his general duty, they would take away that which was declared to be legal and in accordance with the Act.

MR. O'SULLIVAN said, the Act was passed 40 years since, and it was only within the last 15 or 16 years that the clerks of the peace began to claim the 2s. 6d. Upon the assurance given by the right hon. Gentleman the Chief Secretary for Ireland, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

On the Motion of MR. C. E. LEWIS, Amendments made, in page 7, line 21, after "name," by inserting the word "address;" and in line 25, after "name," by inserting the word "address."

MR. C. E. LEWIS, in moving as an Amendment, in page 7, line 28, after "shall," to insert—

"between the tenth and twenty-fifth days of December in each year, print the list or register

of all notes in writing delivered to him after the preceding annual licensing petty sessions, and shall lay the same before the justices in every quarter sessions assembled, and transmit a copy thereof, signed by him, to the clerk of petty sessions of each petty sessions district within such county, city, or town, and in Dublin to the chief clerk of the Metropolitan Police Court, and shall also,"

said, he did so with the view of making the register useful, and not with any intention of increasing the fees of the clerks of the peace.

SIR MICHAEL HICKS-BEACH thought the insertion of the words unnecessary, as the wish of the hon. Gentleman was fully satisfied by the clause as it stood.

MR. C. E. LEWIS said, that the clause as it stood provided only for the transmission of the list to the clerk of petty sessions, and not to the bench of magistrates.

MR. M'CARTHY DOWNING thought the Amendment would occasion an expenditure which would not be compensated by the advantages to be derived from it.

MR. SYNAN also thought the Amendment would lead to doubt and uncertainty.

Amendment *negatived*.

Clause, as amended, *agreed to*.

Clause 13 (Register of licences to be kept).

On the Motion of Sir MICHAEL HICKS-BEACH, Amendment made in page 8, line 28, by leaving out "Inland Revenue," and inserting "Excise."

Clause, as amended, *agreed to*.

Clause 14 (Mitigation of penalties), *agreed to*.

Clause 15 (Record of convictions on licences).

SIR MICHAEL HICKS-BEACH moved as an Amendment, in page 9, line 18, to leave out "or," and insert—

"which by such Act was to have been or might have been endorsed upon the licence or Excise licence, or of any Offence against this."

MR. SULLIVAN protested against any change in the present law regarding the endorsement of convictions on licences, and asked the right hon. Gentleman if he could state to the Committee the number of public bodies in Ireland which had asked for the endorsement of the licences.

"licences," to insert "and sub-section four in section fifty-two." The hon. Member said, he did so with the object of proposing a new clause, for the words as they stood would not only imperil the liberty of the accused, but, under any circumstances, subject him to serious inconvenience. He would be liable to fine and imprisonment, put to the inconvenience of finding heavy bail, and the magistrate had the power of exercising a discretion as to whether the accused should appeal or not.

MR. SYNAN said, in such matters no discretionary power should be given to the magistrates. The word "shall" should be imperative.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) said, if the Amendment were withdrawn, he would consider the matter on the Report.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

On the Motion of Sir MICHAEL HICKS-BEACH, the following New Clauses were *agreed to*, and added to the Bill:—New Clause (Certificates required previously to grant of wholesale beer-dealer's licence) to follow Clause 7; New Clause (Temporary continuance of licences, or Excise licences forfeited without disqualification of premises) to follow Clause 11; New Clause (Record of conviction for adulteration) to follow Clause 15; and New Clause (Saving as to Section 9 of the principal Act) to follow Clause 21.

MR. SULLIVAN, in moving the following new clause:—

(Power to close and refuse to sell liquor.)

"A licensed person shall not be bound to keep the licensed premises open, nor to admit or allow persons to remain therein, nor to sell liquor to any person, but may lawfully close and keep closed the same, and refuse to sell liquor therein, whether closed or unclosed, during the hours during which the same may be lawfully open, or any part of such hours,"

said, he failed to understand why they should put upon the dealer in intoxicating drinks a compulsion that they did not attempt to impose upon the vendor of any other article of food or drink. He could not see why the sale of intoxicating drink should be elevated into a Divine institution. On what reasonable ground should they compel a man to sell up to a certain hour? If his clause were adopted, the vendor would be at liberty to sell when he wished. Why should not tradesmen be at liberty to close their shops when they thought proper? What

they were about to do in this country was to elevate intoxicating drink into a sort of Divine institution, against which he must enter his strong protest. He affirmed that all the respectable vendors of these drinks in Ireland would be glad to have this power conceded to them.

MR. FORSYTH observed that the clause went a great deal too far, for this result might follow from its adoption—that all inns and hotels in Ireland might be closed at any hour of the day or night, resulting in great public inconvenience.

SIR MICHAEL HICKS-BEACH said, there was yet another objection to the clause. The hon. Member had put it to the Committee that it was a great grievance to the publican that he should be compelled to keep open his house longer than he might wish. But the Bill provided that if a publican chose to close his house on Sundays, the cost of his licence would be diminished in proportion, and a proportionate reduction would be made according to the diminished hours of business which the publican chose to adopt. The hardship on the publican should not be forgotten, but the hardship on the public must be remembered. When a man obtained a licence to keep his house open for certain hours for the accommodation of the public, there was an implied contract by which the publican was morally bound. He obtained his licence to keep his house open for certain hours for the accommodation of the public, and it was his duty to keep it open for that purpose.

MR. SULLIVAN said, he must again ask whether it was right to compel a publican to sell liquor when he did not wish to do so? Bread was a necessary article of human consumption, but they did not compel the baker to sell it if he did not think proper. He (Mr. Sullivan) must continue to protest against the superstition that drinking was a Divine thing, and that the sale of liquors should be invested with certain privileges not accorded to the sale of any other commodity.

Clause *negatived*.

MR. REDMOND, in moving the following new clause:—

(Appropriation of fines and penalties.)

From and after the passing of this Act all fines and penalties imposed and levied under section twelve of the principal Act, at petty sessions held in towns, which are under 'The Towns Improvement (Ireland) Act 1854.'

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shall be paid to the treasurer of the Commissioners thereof, to be placed to the credit of the General Assessment Fund, as provided by the ninety-second section of the said last recited Act, any Act or Acts to the contrary notwithstanding."

said, the object of the clause was to alter the destination of the fines inflicted for drunkenness. Those fines had been placed to the credit of the borough funds up to 1872, but by the Licensing Act of that year they reverted to the Crown, thus increasing the local burdens of the ratepayers. The mistake had been admitted by the late Government, who were about to bring in a Bill to remedy it, when the change took place. He thought there was no sufficient reason why the old system should not be re-established; and the circumstances were such that the Government might undertake to effect the object he had in view, either by supporting his clause or by some other Amendment.

SIR MICHAEL HICKS-BEACH said, it was true that the Act of 1872 made a change in the application of these fines but they were never paid into the national Exchequer. They formed part of a fund administered for the benefit of the clerks of petty sessions, many of whom were very ill-requited for their services. It was desirable that the salaries paid to them should be enlarged if that could be done by legitimate means. They were given to the clerks of petty sessions by an Act passed in 1858; and an Act of 1854 gave to the towns commissioners, for the benefit of the ratepayers, the fines imposed in the Courts of the commissioners, for the purpose of providing police, and other duties which had not been discharged as they ought to have been. There seemed to be no reason why the petty sessions fines, because some town commissioners might sit at petty sessions as magistrates, should be applied to the public purposes of the townships, and to the relief of rates levied for sanitary and other purposes. He thought the present application of these funds was the best that could be devised. It was the wish of the Government to do something to improve the position of petty sessions clerks, by an increase of pay, but that would be difficult if the fines were to be diverted from the channel into which they now flowed.

VISCOUNT CRICHTON saw no reason why fines inflicted within the jurisdiction

of the towns commissioners should not be applied to the relief of the rates, but could not go the whole length proposed by the hon. Member who moved the Amendment.

MR. SERJEANT SHERLOCK observed that the Act of 1854 was a compromise. Drunkenness had its effect in increasing rates, and there was certainly some ground for the Motion of his hon. Friend. It was a mistake to say that the clause would take away from the petty sessions clerks the whole of their emoluments, for although their nominal salaries were small, the collateral advantages attached to the posts were so large as to make the appointments very strongly sought after.

MR. M'CARTHY DOWNING said, he could corroborate the statement of his hon. and learned Friend (Mr. Serjeant Sherlock) for to his personal knowledge there were petty sessions clerks in Ireland who were in receipt of as much as £300 a-year. It was only discovered in 1873 that the Act of 1872 had an operation that was never intended, by depriving the towns commissioners of the benefit of fines imposed for drunkenness. When the right hon. Gentleman the Member for Kildare county (Mr. Cogan) asked the then Chief Secretary for Ireland a Question on the subject, the noble Lord (the Marquess of Hartington), said that that effect had not been intended, and that the Government would give their attention to the matter with a view to remedying it. He thought under any view, that the ratepayers were entitled to the benefit of the fines imposed for drunkenness within the limits for which the commissioners were responsible.

THE O'CONOR DON said, he quite agreed with the hon. Member for Cork (Mr. M'Carthy Downing) in the views he had expressed. He had received letters from several of his constituents, all approving of this proposal and not one against it. He hoped the Government would re-consider its view of this question.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) said, there was great inconvenience in private Members bringing forward Motions of this kind, which tended to create financial deficiencies without showing how the Treasury would be recouped.

MR. SULLIVAN appealed to the Chief Secretary for Ireland to remedy a confessed error, and to place the country in the state it was in relative to this mat-

ter previous to the passing of the Act of 1872.

SIR MICHAEL HICKS-BEACH said, he had endeavoured to state to the Committee reasons which seemed to him valid objections to the proposal of the hon. Gentleman; but he confessed that the opinion which had been expressed on the subject on both sides of the House, and the strong feeling which it appeared to excite in Ireland, had made a great impression on him, and if by yielding to that desire he could satisfy public feeling in that country, it would give him great pleasure to do so. He therefore had a suggestion to make which he hoped the hon. Member for Wexford (Mr. Redmond) would think reasonable. It seemed to be a fair principle that fines inflicted in a Court should go to the support of that Court, but that if they were inflicted in towns, under towns commissioners, they should go to the towns; and if the hon. Member would limit his proposal to that, he would be prepared to consult with him about the matter on the Report.

MR. M'CARTHY DOWNING pointed out some technical difficulties which would render that arrangement insufficient. He would urge upon the right hon. Baronet the Chief Secretary for Ireland to enable the Courts of Petty Sessions to award the fines for drunkenness occurring within their townships to the towns, and then he would do something towards making it easy to govern Ireland.

MR. COGAN said, that an error had been admitted, and that only the lateness of the period last Session at which attention was directed to the subject, prevented the late Government from carrying the Bill which it had prepared to remedy it. He hoped the Government would consent to restore the jurisdiction of the borough magistrates which the Act of 1872 had taken away, so that the fines accruing might be allocated to the towns in which these offences were committed.

MR. MITCHELL HENRY said, that a mistake had been committed of which no Government ought to seek to take advantage, and in this case there was the less excuse for doing so, that it was only by the accident of the lateness of the Session last year that the mistake had not been remedied.

MR. VANCE thought the clause of the hon. Member for Wexford (Mr.

Mr. Sullivan

Redmond) ought to be enlarged, and have a wider operation than its terms implied.

MR. REDMOND said, that the limitation proposed by the right hon. Gentleman the Chief Secretary for Ireland would have the effect of excluding a greater number of these fines.

MR. COGAN said, he must again beg to urge on the right hon. Gentleman the restoration of the jurisdiction of the borough magistrates as it existed before the passing of the Licensing Act of 1872.

MR. BRUEN hoped these fines would be paid in alleviation of the rates.

SIR MICHAEL HICKS-BEACH said, he would look into the Act to see whether their jurisdiction had really been taken away, and he would bring up a clause on the Report by which he should endeavour to meet the objections which had been stated.

Clause, by leave, *withdrawn*.

MR. R. SMYTH in moving the following new clause—

(Hours for sale of intoxicating liquors between Saturday evening and Monday morning :

"From and after the passing of this Act it shall not be lawful for any licensed person or spirit grocer, in towns the population of which does not exceed five thousand, to sell intoxicating liquors between the hour of ten o'clock on Saturday night and two o'clock in the afternoon of Sunday, or between the hour of seven o'clock on Sunday night and seven o'clock on Monday morning; and in towns the population of which exceeds five thousand, it shall not be lawful for such licensed person or spirit grocer to sell intoxicating liquors between the hour of 11 o'clock on Saturday night and two o'clock in the afternoon of Sunday, or between the hour of seven o'clock on Sunday night and seven o'clock on Monday morning; Provided always, That nothing herein contained shall prevent such sale of intoxicating liquors to *bona fide* travellers or lodgers."

said, the question with which the clause dealt was not one of Sunday trading in intoxicating drinks. That question had already been decided by the House, and he had no intention of re-opening it, although he was convinced that no less than five-sixths of the drunkenness existing in Ireland, resulted from the opening of public-houses on Sunday. When he attempted to discuss the question some time ago, the only argument against Sunday closing was, that a person going out for a stroll should have opportunities of obtaining refreshment, and that persons on an excursion should have the same opportunities.

But people did not go out for strolls on Sundays after 7 o'clock. He would call attention to the fact, that, while in England the hours for public-houses being open on Sundays were six, in Ireland they were seven. There was no reason why this difference should continue. The Irishman drank whiskey, and if he wanted to get drunk could do so quicker than the beer-drinker in England. He hoped the House, and the Committee, and the Government would agree to his proposal.

Clause (Hours for sale of intoxicating liquors between Saturday evening and Monday morning.)—(*Mr. Richard Smyth*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

SIR MICHAEL HICKS-BEACH said, he could not agree to the Motion. He was sorry that the hon. Member for Londonderry had thought fit to propose it after the exhaustive debate and decisive division at an earlier period of the Session on the question of closing public-houses in Ireland on Sunday. No doubt, the total number of hours of keeping public-houses open was greater in Ireland than in England; but the time of closing was earlier in the former than in the latter country, and great public inconvenience might ensue, if the time were further restricted. He believed it would cause discontent throughout Ireland if public-houses in large towns were closed at 7 o'clock in the evening of Sunday instead of 9, which was the hour fixed after very full consideration.

MR. COGAN hoped the Committee would adopt the proposal, though it might be possible to strike a compromise which would meet public convenience. He would suggest that the hour of 8 should be taken with that view.

MR. SULLIVAN said, that by comparison with England the people in Ireland would be much worse off. What was wanted was an assimilation to the hours of England.

MR. O. E. LEWIS, as the Representative of a large constituency in the North of Ireland, supported the clause.

MR. T. A. DICKSON said, the public-houses in large towns were kept open

simply to enable drunkards to get drunk.

MR. SYNAN observed that the hon. Gentleman wanted to "go the whole hog," and to shut up public-houses altogether. He, and he believed the House, wished to go by steps. The compromise which was proposed by the clause was one which was in accordance with the public opinion in Ireland. He believed that if they polled the Irish people, they would find 99 in every 100 in favour of the Motion of his hon. Friend the Member for Londonderry.

SIR MICHAEL HICKS-BEACH said, he did not propose to alter the law with regard to the hours of closing, which were fixed after careful inquiry by the Committee which sat on the subject in 1872. That Committee was composed of Irish Members fully conversant with the wants and wishes of the Irish people. He hoped that the Motion would not be carried, because it might in the end delay the passing of the measure. He was certainly opposed to the re-opening of the question under present circumstances.

MR. R. SMYTH said, he saw no reason why, when they had introduced a new Licensing Bill for Ireland in which alterations had been made, they should not take the opportunity of revising the Irish law also. He was willing to accept the suggested hour of 8 as a compromise.

THE O'CONOR DON supported the clause, which he hoped would be accepted by the Government as a fair and reasonable compromise of the question at issue.

Question put.

The Committee *divided*:—Ayes 87; Noes 132: Majority 45.

MR. R. SMYTH, in moving the following new clause—

(Restriction on the grant of new licences.)

"From and after the passing of this Act it shall not be lawful for the licensing authority or Inland Revenue Department to grant any new certificate for a licence for the sale of intoxicating liquors—First. In any town or populous place in which the number of licensed houses shall at any time exceed the proportion of one such house to 700 of the population. Second. In rural districts, in respect of any premises situated within one mile at least of any other premises in respect of which a certificate has been granted: Provided, that the licensing authorities may, if they think fit, grant new certificates for hotels, containing in towns and

the suburbs thereof not less than six, and in rural districts not less than four, apartments set apart exclusively for the sleeping accommodation of travellers."

said, the object of the clause was to reduce the rapid growth of public-houses in Ireland, and he made the proposal in the interests of morality. The over-crowding of Irish towns with public-houses was shown by statistics, to which he referred. In the City of Dublin there were 2,000 such houses, in a population of 250,000, being about one public-house to 150 of the population; in Cork, 600 to a population of 80,000; in Limerick, 300 to 40,000; in Wexford, 87 to 11,000; in New Ross, 77 to 7,000; or one public-house to 90 persons; and in Tralee there was one to every 60 inhabitants, including women and children. Those figures showed that there was a serious disproportion of these houses to the real wants of the population. They could not shut their eyes to the fact that these houses were traps for drunkards, and he trusted that after the suspensory clauses had been granted to Scotland, the Government and the Committee would gratify the people of Ireland by allowing them to exercise this suspensory power. If not, it might be truly said that a majority of Scotchmen could get what they liked, but a majority of Irishmen could get nothing. He would further say that if the public opinion of the people of Ireland was to be overborne by the publicans of England, it must lead to results which would not be satisfactory to those who wished to see the union between the countries.

SIR MICHAEL HICKS - BEACH said, in resisting the clause, he had in the first place to say that the hon. Gentleman was under a misunderstanding, for there was no intention to grant any suspensory clauses to Scotland; and in the next place, he had distinctly to state that the English publicans were in no way whatever interested in this question, and had taken no action upon it. What had been done in this case was what had been done in England and Scotland. In the Bill precautions were taken to render the licensing tribunal more certain and regular in its action, and to enable it to look more strictly than heretofore to the conduct of the persons holding the licences. Those provisions, he thought, would answer all necessary purposes. New licences could

not be granted exactly in accordance with population. Each special case must be taken into consideration on its merits; and under the measures for improving the licensing authority, he was satisfied no more licences would be granted than was absolutely requisite.

MR. SYNAN said, the clause appeared to be based upon an entire misconception even of the statistics which had been quoted, and he hoped the clause would not be agreed to, for in his opinion it would increase the evil it was intended to mitigate.

House resumed.

Committee report Progress; to sit again this day.

And it being now five minutes to Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made and Question proposed.
"That Mr. Speaker do now leave the Chair."

THE INCOME TAX.—RESOLUTION.

MR. C. E. LEWIS, in rising to move the following Resolution:—

"That, in the opinion of this House, the continued imposition of the Income Tax, except in time of war or some great national emergency, is unjust and impolitic, and it is advisable that such Tax should be still further reduced and ultimately altogether repealed at the earliest possible moment,"

said, that he did not think any special apology was necessary for such a Motion, except it might be in mitigation of his presumption in bringing it forward in the face of so many hon. Members who were better fitted for the task. It was a question affecting the interests of some hundreds of thousands of persons with small incomes, and therefore it was one which ought to receive the deliberate and anxious consideration of the House, and on which it was high time some decision was come to. He would not enter into the history of the present Income Tax, but they all knew that in the year 1842 it was imposed by Sir Robert Peel for three years only, but it had lasted 32 years. The amount intended

Mr. R. Smyth

to be raised for the three years the tax was to last was about £10,500,000, and, as a matter of fact, during the 32 years of its existence a sum of £300,000,000 had been raised by it. It was, in his opinion, a further justification for bringing the subject under consideration, that the House had never come to a decision whether the tax should or should not form a permanent part of our financial system. Up to 1866 the tax was from time to time levied for a period of two, three, four, and even six years by one Act of Parliament; but since 1866, it had been granted by the wisdom of the Legislature only for a year at a time, and as a matter of course had varied in amount. In answer to various inquiries, he must say there were three or four different reasons for bringing forward the subject at the present time. In the first place, we were at the commencement of a new Parliament, elected under very remarkable circumstances. First, the manifesto of the right hon. Gentleman who was head of the late Government specially placed before the country as a portion of his intended programme, the entire abolition of the tax; it, however, did not stop there, for the head of Her Majesty's present Government immediately followed suit, by declaring that the abolition of the income tax had ever been the policy of the Conservative Party. Under those circumstances the abolition of the income tax naturally occupied a prominent place in the Election addresses of hon. Members on both sides of the House, and of most of the candidates, successful or unsuccessful. Again, it was only during the last few years that any Minister had been bold enough to suggest that it should be a permanent tax. For the first 20 years of its existence, every Chancellor of the Exchequer, on the contrary, invariably presented it as a temporary measure to meet some special emergency, or to promote certain special financial plans. In 1853, so anxious was the late Prime Minister to abolish it, that he brought forward a scheme of finance extending over six or seven years, entirely for the purpose of getting rid of the tax at the end of that period. Circumstances, however, had very much changed during the last 10 years; and the right hon. Gentleman the Member for the University of London (Mr. Lowe) when Chancellor of the Exchequer, was the first to

make a statement in the House that it ought to be made a permanent tax. That was a startling announcement, if good faith was to be kept between Parliament and the taxpayers; but the same right hon. Gentleman only two years ago openly proclaimed as his deliberate opinion, that it ought to be made a substantial and permanent part of our financial system.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. C. E. LEWIS resumed: Another remarkable feature in the matter was that in the course of the last Session the hon. Member for Wick (Mr. Laing) argued on the broadest and most extensive grounds, in favour of the maintenance of the income tax as a permanent portion of the financial system of the country; but the challenge thrown down was not taken up by any person in authority, and a still more ominous circumstance was found in the fact that only recently the present Chancellor of the Exchequer had spoken deprecatingly of getting rid of this mighty structure of finance. That was, of course, only an indication of the difficulty which the right hon. Gentleman felt on the subject of dealing with the tax in such a way as to lead to its entire abolition. It had been said that the proper occasion on which to challenge the tax was on the introduction of a Budget. He could not, however, agree in that view. It would avail little for any hon. Member, when a Budget proposing an income tax of 2*d.* in the pound was laid before the House to ask, as a matter of principle, that the tax should be abolished altogether. Such a proposal would be rendered abortive by the fidelity of those who supported the Ministry, and of hon. Members generally who desired to preserve the public credit. Another reason he had for thinking the present a fitting time to discuss the question was, that the tax was now at the lowest rate it had touched since it was imposed, and it became important to consider whether it was possible to keep up the tax, with all its acknowledged evils, annoyances, and injustice, merely for the purpose of obtaining so small a sum as £3,500,000 sterling, involving the same enormous cost of collection for the smaller as for the larger amount, a cost moreover

which had never been revealed to the House. On that very point the right hon. Gentleman the Member for Greenwich, speaking on the Budget of the present year, said it became important to consider whether, if the income tax was to be maintained in connection with the permanent operations of the finances of the country, it ought to be a tax of only 2*d.* in the pound, and he pointed out that, as the amount of the tax diminished, the proportion borne by the cost of collection to the net proceeds became rather serious. For that, among other reasons, the right hon. Gentleman hailed the introduction of the last Budget as evidently tending to the ultimate abolition of the tax. The same right hon. Gentleman, as far back as 1864 said, the public had a right to know whether the tax was to be permanent or not, and that it was not desirable that the tax should creep unawares into perpetuity; and the present Chancellor of the Exchequer, in the course of last year, said, that, in his view, Parliament ought to consider whether the tax was to be regarded only as a means of providing money for the conduct of a war, or meeting an emergency, or whether it was to be regarded as permanent. That was all he now asked the House to do. He should never have thought of calling upon the House to do anything so Utopian, as to declare that the tax was to be abolished next year, or the year after that. There was no ambiguity about his Motion; all he asked the House to do was to declare that the tax should be only imposed in the case of war or some great national emergency, and that its retention under other circumstances was alike unjust and impolitic. Without going into any abstract questions as to the relative advantages of direct and indirect taxation, he ventured to think that the history of the original imposition of the tax, and its subsequent re-imposition, proved, to some extent, the terms of his Motion. The tax was imposed, in the first place, in order to make good serious deficiencies which Pitt found in our Revenue in the midst of a war; and under very similar circumstances it was re-imposed by Sir Robert Peel in 1842. He (Mr. Lewis) did not mean to say it was simply a war tax; but he thought it should be reserved for war, or some equally pressing emergency, as was the case when it was

first imposed; and he would ask, whether anyone doubted that, but for the new life given to it by the occurrence of the Crimean War, the tax would, in all probability, have ceased in 1860? The right hon. Gentleman the Member for Bathinghamshire, in the year 1858, declared his opinion that the tax ought not to be allowed to constitute a permanent feature in the financial system of the country; and, in the preceding year, the late Lord Derby urged that thenceforward the tax should be considered, as heretofore, a most efficient and useful engine in time of war, and struck out altogether in time of peace. The right hon. Gentleman the Member for Greenwich, when introducing his scheme for seven years' taxation, in 1853, said—

"Our principles with regard to the income tax require three things—in the first place, to mark it effectually as a temporary tax."

Reason and good sense coincided with those declarations, for it was important that this tax should be kept in reserve, and it would be most imprudent to use up in time of peace a resource which would be so valuable in the dire strain of war, and a resource which would enable us to surmount any financial difficulties in which we might find ourselves placed. Passing from that branch of the subject, he would proceed to show that the tax was an unjust one. It was unjust because in the main it taxed permanent and precarious incomes equally. Thus, an income derived from Consols, on which there were no deductions; an income derived from a farm, on which there were but slight deductions; an income derived from small house property, on which there were annual deductions amounting to 20 per cent; an income derived from an annuity, where the capital was being returned as income year by year; an income derived from a mine, the capital of which was being continually eaten into; and an income derived from some precarious employment, dependent upon health or fashion, were all taxed on the same scale. It was also unjust as regarded trades and professions, because of its inquisitorial character, for it was not a pleasant thing to ask a man to tax himself, and it was certainly not an agreeable thing to require a struggling tradesman to make a return showing what his income was, when perhaps it might afford information to a creditor who wished to ascer-

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tain what his position was. The tax was, in fact, inquisitorial upon the very class who were most likely to be injured by an inquisitorial operation; because, in the case of men who derived their incomes from house property, or from interest on stocks, the tax was deducted before the various amounts derived from different sources were paid, and, consequently, the exact income could not be ascertained; but it was otherwise with the tradesman, whose income could, if necessary, be obtained from his books. Then, there was the practice of surcharges, which, as at present carried out by the Inland Revenue authorities, were particularly harassing. Hon. Members were, doubtless, not aware that the Inland Revenue Department were in the habit of sending round to income tax collectors and assessors, circulars laying down a scale of income for all wholesale and retail tradesmen. Acting upon the statements in these circulars, the income tax assessors continually surcharged those liable to pay the tax, and the result was that sooner than undergo the trouble and exposure attendant on appealing from those surcharges, most men were content to pay the additional sum improperly demanded from them. It appeared from a Return made in 1872 that there had been 135,882 surcharges made in the previous 12 months—that in 110,000 cases the surcharge was submitted to; that there were appeals in 24,000 cases, and that in 17,000 instances the surcharge was reduced. He was by no means prepared to admit that the 110,000 surcharges submitted to were just, for the reasons he had already given; but, assuming that they were, was it not a shocking incident of the tax that 110,000 men in a year had attempted to defraud the Revenue with respect to it? One of the grounds on which he maintained that the income tax was unjust had reference especially to Schedule E. They frequently heard of the injustice of Schedule D, but Schedule D did not contain one half of the evils and oppression to be found in Schedule E. The latter was composed of persons who received fixed salaries—such as clerks in public offices, ministers of religion, and small pensioners—who, whatever might be the rise in the price of commodities, had no increase of income. The income tax, with regard to this Schedule E, was specially unjust

and unequal in its operation. With reference to the income tax generally, he would ask, what could be the justice of a system of taxation which exempted one-half of the income of the country?—for he believed he was justified in saying that there was that amount of exemption, because the wage-earning classes, whose incomes amounted to one-half the aggregate income of the country, were altogether exempted from the impost. It was obvious that the producing power of the tax grew less as it increased in amount, as was the case in the middle of the Crimean War, for then all sorts of attempts were made to escape it. Another point, which showed the impolicy of retaining the tax in the time of peace was, that it was a direct encouragement to the Government to waste the public money. The right hon. Gentleman the late Prime Minister had, in a speech made in that House in 1864, said, he could not conceive how principles of public economy could prevail together with an abnegation of the principle that the income tax should not be retained in times of peace, and 12 months ago the right hon. Gentleman who now deservedly occupied the distinguished position of Chancellor of the Exchequer had said that if the income tax were always ready to hand, economy would not be studied as it otherwise would; for if any Government found themselves in a strait, they could always fall back upon it as a resource, and get out of the difficulty by putting on an extra penny. Again, he objected to the continuance of the income tax on the ground that it tended to promote fraud, and in that respect also he could cite in his favour the opinion of the right hon. Gentleman the Member for Greenwich. Men were placed in the position of taxing themselves, and it was notorious that under this system incomes were often largely understated, and the tax was to a great extent evaded. He would ask the House to consider whether, with an income tax of 1s. 6d. in the pound, a man would sit down with his ledger and make a correct return. Would a person, even of good sound moral fibre, always make out a return that would satisfy his own conscience? Was not this the true explanation of the notices which so frequently appeared in *The Times*, that a gentleman had sent the Chancellor of the Exchequer £2 3s. 4½d. as arrears of

income tax? He would maintain it would be impossible to keep to an income tax of 2d. in the pound, producing £3,500,000, and that if it were to be a permanent tax it must be larger or otherwise must be taken off altogether. It had been truly said that this system of the income tax was a positive penalty on honesty, and it was a positive premium on dishonesty. There was frequently a very remarkable fact cropping up. There were such things as "claims for compensation" in the case of demolished buildings, which might afford an opportunity of gauging the dishonest returns that were sent in. Professor Levi had stated the case of a large block of buildings being pulled down, in which the Income Tax Commissioners had discovered from the claims sent in for compensation, that they were greatly in excess of what they should have been according to the Income Tax Returns, and this they believed was far from an exceptional case. In this instance, the documents showed that the returns were made at £73,642, while they ought to have been £171,307, showing a deficiency of £97,000, or 130 per cent. It was impossible that professional men could safely calculate what they had made, unless they went on the simple ground of what they received. Then let them consider the very heavy expense of assessing and collecting the tax, which, although the House had no precise information on the subject, must be very great in proportion to the amount of revenue raised. Was it necessary for him further to urge the injustice and the impolicy of retaining the income tax, except in times of emergency, when it had been repudiated by every Chancellor of the Exchequer since it was proposed by Sir Robert Peel, and had also been condemned by two most laborious Select Committees of the House, one of which—Mr. Hume's—had sat three years? All manner of expedients also had been suggested to make the tax fair, just, and equitable, but without success. It was suggested that Schedule D should be abolished, and the other Schedules retained; but would it be fair to charge income tax to a man having £20,000 in the Funds, on which he received only 3 per cent, and allow a man who had £20,000 invested in his business, which might be returning 20 per cent, to escape altogether? A

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vast amount of capital was invested in trade, in shops, and in manufactures, and to allow it to go untaxed was out of the question. Again, what was to be done in the case of the parson who was charged with income tax under Schedule A? He was only a life tenant, and his income ceased on his death. To abolish Schedule D, and leave the clergyman and the owner of short leases to pay under Schedule A would clearly be only to substitute one set of evils for another. Some authorities advised that the minimum upon which the tax was paid should be increased. He did not think it a wise suggestion, nor, in his opinion, were those who advocated it. or the House, aware of the effect upon the revenue of exempting incomes under £300 a year. The taxable income under Schedule D, in 1872, including mines and quarries, was £153,000,000. If all incomes under £300 a year in Schedules D and E were exempt, the taxable amount of income would be reduced by £50,000,000, or one-third. The same proportion would hold good in regard to Schedule A, which contained a large number of persons having a small income from fixed property. The consequence would be that an exemption at the line of £300 would reduce the taxable income by £100,000,000. Such an operation would positively aggravate three of the evils of the income tax. It would offer a direct tendency to fraud to the 67,000 persons in Schedules D and E, whose incomes were between £300 and £600, and whose interest it would be so to manipulate their incomes as to bring themselves below the £300 line. Secondly, this temptation being known in the Inland Revenue Office, it would be met by additional surcharges and assessments. And thirdly, the inquisitorial character of the tax in consequence of these surcharges would be increased and intensified. The effect upon the Inland Revenue Office itself would be to overwhelm it with claims of exemption. Another suggestion was to graduate the tax, and the Committee over which the hon. Member for the City of London had presided, had recommended that incomes should be divided into spontaneous and industrial incomes—the latter contributing two-thirds, whilst the former would be assessed at the full charge; but that suggestion had to be abandoned. If any one doubted that the income tax

pressed very hardly upon the community at large, he might be referred to the remarkable speech delivered by the right hon. Gentleman (Mr. Lowe) in 1872. The late Chancellor of the Exchequer then told the House that there was no class of the community so severely pinched by taxation as the lower class of income tax payers. The right hon. Gentleman, who was not a man likely to give way unduly to sentiment, added that he was really shocked by the letters he received from persons in the position of gentlemen making piteous appeals to give them time, or excuse them on the ground that they did not know where to lay their hands on the money they were called upon to pay. In Schedules D and E there were not less than 510,000 persons who returned their incomes as under £300 a year. Let the House remember the difficulty which many persons of fixed means had in keeping up a respectable position, in paying house rent, and educating their children on such sums. It might be asked, why this tax had existed so long, and had been so patiently borne. The reason was because it had been held out by successive Ministers and statesmen that it ought not to be made a permanent tax. In 1873, the present Chancellor of the Exchequer said that the income tax had remained, like Mahomet's coffin, suspended between the idea of a permanent and a temporary tax. People were, he added, beginning to say that it was not such a wild idea to get rid of the income tax altogether; and the House had a right to know what was the view taken by the Government on this subject. There was not the slightest ground for delay in speaking upon the subject, and the country ought to be dealt with fairly and openly. He did not, as he had said before, ask the House to commit itself to abolish the tax next year or the year after, but only to come to a clear and deliberate decision on this subject, and to determine whether the income tax should be a permanent impost, or whether it should not be at the earliest possible moment erased from the Statute Book. The hon. Member concluded by moving the Resolution.

Dr. LUSH seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words

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"in the opinion of this House, the continued imposition of the Income Tax, except in time of war or some great national emergency, is unjust and impolitic, and it is advisable that such Tax should be still further reduced and ultimately altogether repealed at the earliest possible period,"—(Mr. Charles Lewis.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GRANT DUFF who had given Notice of an Amendment to the Resolution, to leave out all the words after "Tax" in order to add the words "is alike just and politic, unless and until some other direct tax can be substituted for it against which fewer valid objections can be stated," and which the Forms of the House prevented his moving, said: No part, Sir, of the remarks which I wish to submit to the House with reference to the Motion of the hon. Member for Londonderry will consist of a panegyric on the income tax. I am quite aware that many and serious objections can be made to that impost, and ready to allow that the way to make it perfectly fair in its incidence has not, as yet, been discovered by any financier. All that I would wish the House to affirm, if it were possible to divide on my Amendment is, that bad as the income tax may be, it would be very unjust and inexpedient to abolish it, without substituting for it some other direct tax less objectionable in its character. It is clear, Sir, that if we abolish the income tax and have not a succession of quite extraordinary surpluses, we must do one of four things—we must diminish our expenditure to the extent of our loss of Revenue; or we must add to our indirect taxation to that extent; or we must devise a new direct tax or taxes as lucrative as, and less inconvenient than, the income tax; or else we must have recourse to a composite scheme formed out of at least two of these expedients. As to the first of these possible plans, I do not think the House is prepared for so large a reduction in the Army and Navy, or in one of them, as would be necessary if we were to sacrifice the income tax without some equivalent; and even if it were, the classes not affected by the income tax would surely insist on having their share of the relief arising from our diminished expenditure. As to the second plan, it is entirely contrary to all recent policy, notably to that

abolition of the sugar duties which I congratulate my right hon. Friend opposite on having had the good fortune to effect. As to the third plan, I am quite prepared to agree to that solution of our problem when we have it solved. I have every hope that some direct tax, or combination of direct taxes, better than the income tax will some day be laid before us; but no one has yet, in this matter at least, spoken, *le mot de l'énigme*. But if there are objections to each of these three plans, there are not less grave objections to a composite measure made up of some reduction of expenditure, some increase to indirect taxation, some new direct taxation, or any two of them. Supposing then, for want of something better, we determined to keep the income tax, whose defects are known, instead of trying some new financial expedient which may have far greater inconveniences, what could we do with it? What compensation might we have for its admitted evils? I reply, that we could do with it in the future as we have done in the past, that is, by no means resolve to keep it to all time as a part of our ordinary taxation, but retain it, at least, until we have made the rest of our fiscal system accord with right reason, and expediency. Is our fiscal system now what it ought to be? Can it be defended as theoretically correct even by those who think best of it? It is clear that it cannot, and I make haste to admit that there is not the most distant chance of our arriving, in any time to which the politician as distinguished from the political philosopher can look forward, at a thoroughly defensible system, by which I mean such a system as any committee of men of business acquainted with finance would propose to adopt if they were not hampered by historical accidents. But although we cannot expect to arrive, perhaps for ages, at a perfect system, we may be continually though slowly approaching it, and in order that we may do so, it seems to me absolutely necessary to keep the income tax, or forthwith to put in its place, some direct tax which will be as efficient and as easily increased. The three great requisites of a perfect system seem to me to be that it should provide easily and amply for the ordinary annual outgoings of the State, and be capable of rapid expansion in emergencies; that it should in no way hamper the trade of the coun-

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try; and thirdly, that it should be consistent with perfect security to the public creditor. Now, the first of these objects is quite attained by our present system, and might, I should think, be equally attained by even more imperfect systems than ours. The much-abused income tax is the very portion of it, be it observed, which makes it so readily expansive. The second is not attained, and cannot be attained as long as our indirect taxation is anything like as great as it is now. It would be wasting the time of the House to point out at any length the inconveniences of the Customs and Excise duties; but although these inconveniences are acknowledged, very little has been said about them in this place for a long time, and what is said in this place gets so much more rapidly so to speak, into the circulation of the body politic, than what is said anywhere else, that I may be excused if I recall them in a few sentences. We are in danger of forgetting that although we have done much to reform both Customs and Excise, and although both Customs and Excise are necessary evils at present, and probably for a long time to come, yet they are, still, evils, and great evils. We are in danger of forgetting that Customs and Excise duties are exceptionally costly to collect; that they give an advantage to the large over the small capitalist; that they prevent the opening of new sources of supply; that they have prevented, and perhaps still prevent, the creation of new outlets and inlets for commerce round our shores; that they have closed, and still to some extent close to us, foreign markets by provoking retaliatory duties. I wish every hon. Member of this House would read an admirable paper on this subject by Mr. Cliffe Leslie, which must be in the hands of many of us, for it was largely circulated by the Cobden Club. From it, with the permission of the House, I shall read a short summing up of the evils of the Customs duties—

“An inevitable consequence of Customs duties is to involve the State in a series of dilemmas, with only a choice of great evils. It must either grant unrestricted liberty of importation and exportation to every spot on the coast, and along the rivers of the kingdom, thereby entailing an enormous army of tax collectors and intolerable cost of collection, or it must limit direct foreign trade to selected places, thereby disturbing the natural order of things and obstructing the development of numerous localities. It must either exact immediate pay-

ment of the duties on importation, thereby wasting capital, harassing merchants, and multiplying consumers, or it must establish the system of bonding, and encounter a fresh dilemma, between covering the kingdom with warehouses (and Customs officials, or confining the advantages of bonding unfairly to particular places. It must extend the duty on any particular import to all its possible substitutes, thereby incurring heavy cost in collecting unproductive imports, on articles of which the main uses, moreover, may not be those which it was intended to tax; or else the tax must be confined to the principal import, in which case it may be evaded by substitutes, thereby depriving the public of the best article without profit to the State."

And now with regard to Excise—

"You impose an Excise duty on British spirits, meant to tax only the drinkers of spirits, and to balance the duty, you must tax foreign spirits, thereby shutting your manufactures out of Continental markets, and impeding the progress of free trade throughout Europe. To collect your Excise duties you stop invention and improvement, not only in the production of the articles taxed, but in all the arts and applications in which the products are used or to which analogous improvements might be transferred. As with the tangled web we weave, when once we practise to deceive, the ramifications of loss and mischief following from one false step in finance are endless. The loss in many instances may be slight, but all the wealth of England is an accumulation of small savings and small gains. . . . About 42 millions sterling are annually advanced by producers and traders in payment of Customs and Excise duties, which otherwise would be productively employed and reproduced, yielding wages as well as profit at each turn of the capital. What is lost, therefore, by the bare advance of the duty is not merely profit, but the entire revenue that would otherwise be reproduced."

It will not, I presume, Sir, be disputed that at this moment, under what is popularly described as a system of perfect Free Trade, we are raising more money off our trade than we ever did in the days of Protection. People say, however, that our indirect taxation is raised in a far less inconvenient and oppressive way than it once was, and that it now falls only upon things which are more or less in the nature of luxuries. The first of these statements is quite correct, and no reservation has to be made with regard to it. The second is in a sense, correct, but a reservation has to be made with regard to it, and the reservation is this. True it is that our present indirect taxation falls only upon things which are to their consumers more or less, in the nature of luxuries, but how much does it affect the labour of the country? Can there be a doubt, for instance, that even the taxation on

an article of luxury like high-priced claret is more or less an injury to the unskilled labourer, if only by diminishing to some extent the demand for his labour, in helping to convey the claret to the persons by whom it is consumed. I think, then, that the greatest compensation for keeping on the income tax is the diminution in our indirect taxation which we may make thereby; and, first, the getting rid of as much of our Customs duties as we can without injustice to our own producers. So far as is possible, I think we should do this by falling back, as soon as circumstances permit, upon the policy which was so brilliantly inaugurated by the Commercial Treaty with France in 1860. That policy, as I understand it, was this. Mr. Cobden said, ever since the repeal of the Corn Laws, and the other tariff reforms of Sir Robert Peel's Government, I have been waiting to see whether foreign nations would not follow the example of England. I have seen one foreign statesman converted after another; but still fiscal legislation on the Continent does not improve. The interests hostile to Free Trade are too strong. Let me see what is to be done by a system of commercial treaties absolutely antithetic to the old commercial treaties, the type of which was the Methuen Treaty. Let me see whether all Europe cannot be entangled in the meshes of Free Trade. He set to work, and the result can be stated in a sentence. I quote from a well-known pamphlet on commercial treaties, published by the Cobden Club—

"By means of this network, of which few Englishmen seem aware, while fewer still know to whom they owe it, all the great trading and industrial communities of Europe—namely, England, France, the Zollverein, Austria, and Italy—constitute a compact international body from which the principle of monopoly and exclusive privilege has been once for all eliminated, and not one member of which can take off a single duty without all the other members at once participating in the increased trading facilities thereby created."

Now, Sir, that is the policy I want to see carried forward. If my right hon. Friend opposite sees his way to diminishing or abolishing next year any of the existing Customs' duties, without any communication with foreign countries—and the smaller Customs' duties, those on chicory, coffee, figs, ginger, plums, prunes, together with the trifles which make up the head of "miscellaneous"

seem ripe to be swept away—I should be too glad to see them go; but with regard to the larger Customs' duties, there are arrangements which other nations are, or were recently, eager to make, which, while benefiting them, would make our own tariff more consistent with principle, and would further open to us the markets of the Continent. Take, for instance, the case of spirits. It is asserted by German Free Traders that we still keep up, without knowing it, a protectionist duty in favour of the English as against the German distiller, owing to the method in which we counter-vail, and only as we suppose counter-vail, a portion of our Excise duty. They ask for an inquiry, and promise if, on inquiry, it turns out that their complaints are well founded, to give us in return for a rectification of procedure, in strict conformity with our own principles, very considerably increased facilities for exchanging our produce with theirs, by the abandonment of certain of their import and export duties, especially their import duties on raw iron, flaxen yarn, and soda, and their export duty on rags. Then, to take the case of wine. It is notorious that a very moderate sacrifice of Revenue under this head, would a short time ago have opened to us the markets of the Peninsula, as they never were opened before, and I have no reason to believe that the situation is in any way altered. Very recently, I believe, the Portuguese Lower Chamber rejected some proposals of their Government which would have been advantageous to our industry, simply because we were so obdurate about their wines. Then, take the case of tea. My right hon. Friend the Chancellor of the Exchequer, and my hon. Friend who represents the Foreign Office in this House, know well that our diplomatic position with reference to the Tea duty is very difficult, and not indefinitely tenable. We prohibit the Chinese by treaty from levying more than 5 per cent export duty on tea, while we levy a very much heavier import duty on it. Sooner or later that arrangement will have to be revised, and such is the growth of the Indian tea industry that very soon we shall have a demand to diminish or abolish our Tea duty, on the plea of justice to India, and be able, perhaps, in yielding wholly or partially to the demand, to make stipulations for the advantage

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of Manchester. It is unnecessary to multiply examples, but I think I may assume that there is still a considerable field for the development of the great and beneficent policy of commercial treaties, and that until all has been done in that direction which remains to do, the question whether we should keep the income tax, or some tax like it, as a part of an ordinary taxation, can hardly be said to arise. Some objection to this policy as fettering our fiscal liberty, but no great harm can come of fetters which only compel the doing of what is in itself advantageous. A German economist has well said—

“That both contracting parties become tied for a given time, to the respective tariff reform on which they have agreed, is an advantage into the bargain. It helps over the danger of a reflux of public opinion arising from the trial of the first years. There is no law of political economy that does not want some time before its beneficial action can take place in full swing. In particular, division of labour wants time for supplanting competition. Whoever resolves upon free trade instead of exclusion, must resolve at once upon extending the experiment over some time. He therefore sacrifices a liberty of action if he binds himself to do so in the face of another.”

The development of that policy, and the acquirement of the free breakfast table, or something very like it, which will be one of its results, will obviously confer immense benefits on the poorer part of our population, both in diminishing their outgoings and in increasing the demand for their labour.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. GRANT DUFF resumed: If, however, we retain the income tax for the purpose of taking off taxes which press more heavily upon the lower than the upper portions of society, the time will soon come when we shall have to reconsider our exemptions, and, above all, to face the question whether there is any insuperable objection to taxing weekly wages. The experiment has been tried for us in Prussia, where it is said perfectly to succeed, and that although, as has been well pointed out, the Prussian lower classes have at the same time to bear a tax which we have not—and thanks to our very different geographical position, I trust never will have—the tax of blood, that compulsory service which sends a large portion of their youth

into the ranks every year, and subordinates all the arrangements of social and family life to military considerations. The right hon. Gentleman, who was lately at the head of Her Majesty's Government, said, in 1853, when Chancellor of the Exchequer—

"To my view, it is a right and expedient principle—taking it in connection with all the circumstances of the case—that we should not trench upon what I would call the territory of labour,"—[3 *Hansard*, cxxv. 1390.]

and he defined the territory of labour by the figure of £100 a-year. That was perfectly sound doctrine 21 years ago; but it would be doubtful doctrine now, when so many millions of annual taxation have been removed from the shoulders of those who have less than £100 a-year; and it will be still more doubtful doctrine when we come to that "free breakfast table" of which I have just spoken, and towards which the Budget of this year has made another long stride. Doubtless, there are inconveniences to be faced, and prejudices to be got over, in taxing weekly wages. Some people even imagine that it would be dangerous to do so. I do not believe that, but even if I did, I should think that it was just one of those cases in which we should say with Napoleon—"We have reason on our side, and when reason is on our side, it is right to run some risk." Nothing can be less wise, either for States or for individuals, than to base their conduct upon two wholly antagonistic principles. If our electoral legislation is to be based on the principle that our working classes are saints and sages, and our fiscal legislation on the principle that they are so foolish and ignorant that they must be cheated into paying a fair share of the current expenses of the State, it seems to me that we are in a very perilous condition. I utterly disbelieve, however, in the impossibility of making the working man contribute directly to the immediate and obvious necessities of the year which is passing over his head, when those necessities have been recognized as immediate and obvious by his own Representatives, though I can quite understand his grumbling if he had to pay, in the shape of a direct tax, the interest of that National Debt which was run up in past times by the general madness of all classes, but which false teachers will always be ready to tell him was run up

in days when he and his had no influence and no responsibility. It is the existence of this great National Debt which is the only valid argument to my mind for keeping up any indirect taxes at all. If we had only to provide for our ordinary expenditure, I would say that we should sweep away all our Customs and Excise establishments, thereby saving largely, and developing our trade in geometrical ratio. As we have, however, this enormous debt, I should like to see our indirect taxation gradually reduced by the methods I have alluded to, and others, until it falls exclusively upon those luxuries, such as spirits and tobacco, which may easily become hurtful. But out of these, and especially out of spirits and tobacco, we should get as much as we possibly can, consistently with not increasing smuggling and illicit distillation. When, by making our indirect taxation fall entirely upon these, and, though less heavily, upon beer and wine, we have set free—if I may use the expression—the elbows of our trade, so far as our great debt will allow, we should begin to think of devoting a larger portion of what we raise each year to bringing our Debt within manageable compass; but I think that as long as this country goes on steadily getting richer, and seeming likely to continue to do so for a long time, it would be doubtful economy to do more than we now do towards diminishing our Debt, if we at all risk by that process making these Islands a less desirable place for the skilled artizan, and for the capitalist to live in. On these two classes, and on the high and general education of our people, depends our national future. We must remain or become great as the workshop of the world, as the emporium of the world, as the reservoir of the capital of the world, and as the university of the world, if we are to remain great at all in comparison with other nations, which in point of climate, and in many other respects, are more highly favoured. Our destiny, if we are to remain great, is to be an infinitely grander Holland combined with an infinitely grander Venice, and to that end we must walk warily now, and keep the four great advantages we have got. Those advantages are—first, the start given us by our having adopted, comparatively early, a comparatively wise fiscal legislation; secondly, the start

given us by our mineral resources, which one day, no doubt, but not yet awhile, will be exhausted; thirdly, the start given us, and which we never ought to lose, by our geographical position—incomparably the best suited for a commercial emporium in the whole world; and fourthly, the start given us by our unique, but still pitifully misused, educational foundations. To give up the income tax at this moment, without imposing a less objectionable and as easily increased direct tax, would, in my opinion, be most unwary walking, and would injure, more than any change in our fiscal legislation which I ever remember hearing proposed in this House, the present and future prosperity of the country.

MR. HUBBARD (*London*) heartily agreed with the hon. Gentleman who had introduced the subject (Mr. C. E. Lewis) in all the anathemas he had launched against the inequality of the operation of the tax. Upon that point no two persons would be found to disagree; and the hon. Member might almost have spared himself the trouble of appealing at considerable length to the promises of Ministers of finance and Statesmen who during the last 30 years had promised from time to time that the tax should be taken off. What we should consider was not whether such promises had been made, but whether it was for the interest of the country that the tax should be wholly abolished. He could not admit the fact of its special utility as a war tax as a reason for not attempting to remove some of its defects.

Notice taken that 40 Members were not present. House counted, and 40 Members being found present,

MR. HUBBARD continued: There was no doubt that the tax was inquisitorial, but if it carried with it large national advantages, they should consider how far the objection on the score of its inquisitorial character might not be in other respects compensated. From the remarks made by the hon. Member for Elgin (Mr. Grant Duff) upon indirect taxation, it might have been thought that he was speaking, not in the year 1874, but in 1844, before Sir Robert Peel effected the vast change which had been made in our fiscal system. No argument was needed to prove the impolicy of taxing the necessities of life;

Mr. Grant Duff

but if, instead of taxing grain, butter and cheese, they taxed gin, brandy, wine, and tobacco, the consequences in a national point of view were very different, and Governments all the world over had found it expedient to tax such articles for the sake of morality as well as of the revenue. It could not be said that our indirect taxation now pressed with undue severity on the working classes, because the taxes paid by those classes on the spirits, beer, and tobacco they consumed was of a voluntary character, and need not be borne by them unless they chose. He was not prepared, therefore, to sweep away taxation in the manner proposed. The charge on the working classes was by no means onerous, and he could not, for the purpose of obtaining what was called a "free breakfast-table," consent to sweep away taxes that he considered necessary for the Revenue. The cost of collection might be greater in the case of Customs than in that of the Income Tax, but still it was not onerous. The Customs and Excise raised no less than £35,000,000 sterling, including the licences required for the sale of articles charged. It was often said that they ought to lighten the springs of industry and to grease the wheels of progress, but there were instances in which our fiscal system imposed weights upon the springs, and poured sand into the wheels instead of oil. Some of the Stamp duties were of a most oppressive character, as, for example, those on foreign bills, those on all securities which were transferred, whether on the mortgage or sale of land, or on the sale of other investments and stocks. No assistance was rendered by the Government to those financial or industrial movements, and the Government ought not to levy a tax upon them. Those duties were vicious in their character, and he invited the attention of the Chancellor of the Exchequer to them, with a view, at least, to their modification. But if those impostures were to be scrutinized and reduced, could they ask the Government to bind itself to remove the income tax? It was important at that period of the Session, and with the Recess approaching, that there should be no false expectation in the mind of the country in regard to what was to be done with the income tax? He was of opinion that the Government would not act wisely in

giving up the income tax altogether, and, so far as he had understood the speech made by the Chancellor of the Exchequer when introducing the Budget, he did not believe they had any intention of doing so.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. HUBBARD resumed his argument by pointing out if taxes were not to be paid indirectly on consumable articles they must be paid directly in the form of an income tax. The legacy, probate, and succession duties being accidental in their character could not be relied upon for an equable contribution to the public Revenue. The income tax, although it was objectionable as it was now levied, had, he considered, many advantages. The total income taxed was about £350,000,000, and of this a very large portion was assessed upon from money invested in the public funds, under Schedule C, and upon rents assessed under Schedule A. Under both those Schedules income was taxed at its source, before it reached the hands of the owners. The principal difficulty that presented itself to his mind had reference to Schedule D, and he thought that difficulty might be much diminished by assessing the profits of public companies in their dividends, just as dividends were assessed under Schedule C, a course of proceeding which would tend so far to minimize the objections felt to the Schedule. He admitted that the power of self-assessment would always be a very delicate one to exercise, but in his opinion the greater part of the dishonesty in making returns to the income tax was due not so much to immorality and a desire to defraud, as to the fault of the tax itself and the desire of the people to do themselves justice, as they believed, even at the expense of truth. The number of fraudulent and evasive returns was very small when compared with the total number of returns made. Thus out of 490,000 persons liable to the tax, 362,000 made returns, and only about 135,000 were surcharged. Of that latter number 25,000 persons appealed, and 7,000 of the appeals were dismissed, principally on the ground that the regulations of the Inland Revenue Department had not been complied with. The fact of the payment of "conscience

money" was a striking, and, as he thought, a most creditable feature in the English character; indeed, it was only in a country where a high state of civilization and a great regard for morality prevailed, that an income tax on the present system could be collected at all. Nine-tenths of the dishonesty to which reference had been made was owing to the essential vice and injustice of the tax; and if the Government could present the country with a system which imposed the tax equitably it would dispose of the difficulties in which the question was involved. The hon. Member for Londonderry had urged that the income tax should be kept in reserve as a resource in time of war, which was so far an argument in its favour, as meaning it was worth keeping; but he (Mr. Hubbard) maintained that if an income tax founded on more just principles than the present one could not be devised, the sooner the tax was abolished altogether the better. He objected strongly to a scheme for graduating the tax, by which larger incomes should be taxed on a higher scale than smaller incomes. The great thing in a measure of this kind was to adopt a course that would satisfy the country that justice was intended and did prevail. It was impossible that any individual Member could carry a question of the kind against a strong and determined Government, but if Ministers would themselves introduce an improved system, they would not have the slightest difficulty in carrying it out. He would tell the hon. Member for Londonderry that he did not think it fair, under the circumstances, to call on the Government to give any decision on the subject now. The principal objection to the tax was really directed against a portion of Schedule D, and with regard to the point, he believed it would be perfectly possible to construct a system which would carry out a satisfactory adjustment. He would ask the House not to support the Motion of the hon. Gentleman, or rather he would appeal to the hon. Gentleman himself not to press it to a division. He admitted that the existing system was unjust, and, therefore, he did not wish to see it maintained indefinitely, but he would rather leave the question in the hands of the Government during the Recess, in the hope that they might be able to devise a plan which would

be satisfactory to the House and the country.

SIR JOHN LUBBOCK said, he thought the evident desire to count out the House, and the fact that when the late Prime Minister appealed to the country on this question, he was defeated by a large majority, did not bear out the statements made of the unpopularity of the income tax. It was urged that the tax should be abolished, because it was a war tax; but it would be as logical to abolish the impost in a time of peace because it was a war tax, as it would be to abolish the Army and Navy; and if the tax was to be relied upon in time of war, its machinery should be kept going in time of peace. Though he could not accept the Resolution proposed by the hon. Member for Londonderry, he had never disguised from himself the strong arguments which could be brought against the income tax. The tax was said to be inquisitorial, unpopular, and unjust. But there was no tax against which grave accusations could not be brought. The objections to indirect taxation were also very great, and before the House was really in a position to condemn the income tax, they ought to be satisfied that the other taxes were not even greater offenders. He did not, then, deny that the income tax had many disadvantages, and, indeed, he might almost be said, using Voltaire's expression, to support it only as the cord supported the criminal. Still, some taxes must remain, and before they abolished the income tax on account of its demerits, they must satisfy themselves that they could replace it by a better. They were told that the income tax was unjust for two principal reasons; firstly, because it fell equally on temporary and permanent incomes; and, secondly, because the same rate was imposed on income derived from individual exertion as on that from real property. But the first objection held good only as long as the tax was temporary, and manifestly did not apply to it if permanent. As regarded the second objection—namely, that the income tax fell more heavily upon professional and mercantile incomes than on wages or on real property, that in itself was no doubt unfair. But, on the other hand, if other taxes fell especially on consumers, and our rates on real property, the very inequality in the income tax might be an

Mr. Hubbard

advantage, as tending to counteract corresponding inequalities in other taxes. No single tax, indeed, was just in itself and in its primary incidence; our whole system was based on compensating inequalities. The income tax had now been in operation for more than 30 years, and salaries, payments, annuities &c., had been adjusted with reference to it. But though it was true that the incidence of taxes in the long run regulated itself, it was not the less true that it was a work of time, and that any sudden alteration of system might be most unfair as between class and class. It would be unjust to repeal a tax which fell on the rich, while leaving untouched others which, like the duty on tea, pressed more heavily on the poor. Again, the burden of our local taxation fell mainly on real property. Now, in the last Parliament, the hon. Baroness the Member for South Devon (Sir Massey Lopes) brought forward, and carried by a large majority, a Motion in favour of relieving the rates, and, consequently, real property, from a portion of the burdens which at present fell upon them. Those proposals had been partially acted on by the present Government, and accepted by the majority of the House. But those who took that view could not consistently support a proposition for the simple abolition of the income tax, which was mainly attacked on the very ground that it pressed most severely on that description of property which could not be reached by rates. Those general considerations must not be overlooked, and, moreover, as it was never desirable to over-state a case, it must be admitted that there were some compensating provisions in the law as it now stood to which sufficient consideration had not, he thought, been given. The attacks on the income tax derived much of their force from the fact that incomes derived from trades and professions paid the same nominal amount as those from lands and houses; but it must be remembered that in the case of professional and industrial incomes, the amount was taken, either on an average of three years, or on the actual amount, at the option of the payer. This was a great advantage, estimated by the Inland Revenue Office as equivalent to about 30 per cent deduction. Any system, on the contrary, which recognized a general remission to all incomes de-

rived from trades and professions would grant the same boon to the sleeping partner in a great firm as to a tradesman whose income was dependent on his health, and must, therefore, be more or less precarious; but the option to which he had referred was a concession just where a concession was most needed. The case of land and houses was the very reverse. Here the tax was charged on the gross income, without any deduction on account of the out-goings for repairs, insurance, &c., which had been estimated by high authorities at over 10 per cent for land, and from 15 to 25 per cent for houses. Taking Schedule A all round, they could not be estimated at less than 15 per cent. But that was not all. Under the present system, while real property and professional incomes nominally paid the same rate, the former in reality paid on 20 per cent more than the net income, professions on considerably less. The whole system of taxation must be considered in reference to the question. The Customs and Excise duties fell with the greatest severity upon the labourer and artizan classes, who were exempt from income tax; and with reference to local rates, the House and the Government had acted upon the policy that real property was unduly taxed in proportion to other descriptions of property. There had been a great many suggestions made with a view of meeting the injustice of the income tax, but it appeared to him that none of them showed a satisfactory solution. On the contrary, he thought it was more than probable that if they began to touch the system of the income tax, they would be compelled to do the very opposite of that which they desired to effect. Again, while the assessment of an income tax on stocks and shares was very simple under the present system, it would be difficult to devise any other direct mode of levying a tax on them which would not be very difficult, if not impossible. The experience of America had brought out in a striking manner the difficulty of enforcing any direct tax on personal property. The Committee recently appointed by the Legislature of New York, under the presidency of Mr. Wells, had issued a very able Report, in which, after carefully detailing the results of their own experience, and examining that of other countries, they expressed their conviction

that to levy a direct tax on personal property was a financial impossibility. Indeed, the more it was attempted to secure completeness of assessment by declarations and oaths the more injurious did the system become. Those who advocated a modification of the income tax generally did so, on the ground that industrial incomes were charged too heavily in proportion to those derived from land. But it must be remembered that an immense amount of landed property was in settlement or under entail. Under the system proposed, all such property, instead of paying on the income, as it did now, would be taxed only on the life interest, and would, therefore, pay less than at present; besides which, such an arrangement would give a stimulus to settlements, which was in itself far from desirable. It was, moreover, generally the large estates which were entailed—this plan, therefore, would encourage entails and discourage small investments in land. Again, if any such changes were made, it would be impossible to continue to levy the tax, as at present, upon holders of the public funds. As a matter of public faith and national engagements, they must be placed in the most favourable position, and must be permitted the full advantage of any reductions and remissions. In fact, while the attacks on the income tax arose mainly from an idea that landowners and stockholders paid too little in proportion to industrial incomes, if they valued at all they must value life interests in land, and if they exempted at all they must exempt fundholders. In considering these questions, they must not overlook the fact that as between class and class all inequalities of taxation had a great tendency to right themselves. The income tax was no new tax; all those engaged in trades or professions had entered into them under this tax; and, in fact, the greater the inequality the more necessary it was to consider whether they would not produce a new wound in order to remove an old scar. If an old inequality had been removed by time, to allow for it again was to create a new one. The hon. Member for Londonderry had told them that in his opinion, in spite of the injustice and inequality of the income tax, there were times when it was necessary for the well-being of the country. If that were the case, it appeared to

him (Sir John Lubbock) the proper course was to keep the tax as low as possible in times of peace, but to keep the machinery going, so that we should have something to fall back upon in time of necessity. He had listened with great interest to the able speech of the hon. Member for Elgin (Mr. Grant Duff), who showed how much remained to be done to complete that system of free trade to which this country was so much indebted. With reference to it, he would not now enlarge on the advantages which might ensue from the removal of some of the smaller Customs' duties, nor would he dwell on the great importance of reducing our Debt during the present period of prosperity. These considerations, however, ought not to be altogether overlooked. Moreover, there was great inconvenience in committing themselves to such a decision at this period of the year. They were still nine months from the close of their financial year, and he would be a bold man who would venture to predict what might occur in the meantime. Under these circumstances, then, glad as he should individually be if the income tax could be abolished, it was impossible for him to support the Resolution now before the House. He therefore hoped the hon. Member would be satisfied with the discussion that had taken place, and that the Motion would not be pressed to a division.

MR. FAWCETT said, that the hon. Member for Londonderry in his able speech had truly said that the question of the repeal of the income tax occupied altogether a different position from what it had formerly done in consequence of the recent Elections; and considering the prominent position which the subject held before the public at the time of those Elections he (Mr. Fawcett) was afraid the people of this country would not put a very favourable interpretation upon the attempt of the Government to get rid of the Motion by a side-wind, as evidenced by the four attempts just made to count the House. The people might say that each party, in bidding for support, made promises which they could not fulfil. The right hon. Gentleman the Member for Greenwich promised that if he were returned to power at the head of a majority, he would repeal the income tax, while the right hon. Gentleman now at the head of the Government, who might have objected to

dispose of the tax by a preliminary *placet*, but instead of that he out-Heroded Herod, and declared that the total and unconditional repeal of the income tax had always been a settled point of the policy of the Conservative Party. Only one interpretation could be put upon those Election addresses, and the country thought that the two great parties were equally pledged to repeal the income tax. When the hon. Member for Elgin (Mr. Grant Duff) came forward with his Amendment, he (Mr. Fawcett) thought that the House was on the eve of a great financial disclosure, and he could by no means understand how the hon. Gentleman had remained a passive Member of an Administration which had promised if the country gave them a majority to repeal the income tax. He was quite aware of the objections urged to the income tax. It was in some respects inquisitorial; its collection was vexatious; in point of political economy it was unsound, because it was a tax upon prudence. These objections did not, however, apply to the entire tax, but only to one form of it. What the House had to consider was this important issue—would the abolition of a particular tax make our financial system on the whole more just and equitable in the burden it imposed upon the people? The House seldom heard anything, for instance, of the inequalities of the duty on tea. Yet, as it was not an *ad valorem* duty, it pressed with undue weight upon the descriptions of tea consumed by the poorer classes. Moreover, every man did not contribute to the tax in proportion to his means, the married man with a family contributing more to it than the single man, and so on. Would, then, the total and unconditional repeal of the income tax leave our fiscal system more just and equitable? When it was proposed unduly to increase the income tax he (Mr. Fawcett) protested against it; and when the late Chancellor of the Exchequer proposed to meet exceptional expenditure entirely by the income tax, he took every opportunity of protesting against that proposal as one which was grossly unjust and one which would fatally weaken the best guarantees for economy. But if he saw a tendency to go to the other extreme, he should be wanting in duty if he did not protest against such a proposal with equal earnestness. If the wish of the hon.

Sir John Lubbock

Member for Londonderry were gratified, almost the whole revenue of the country would be raised from the commodities of ordinary consumption. The Excise produced £28,000,000 and the Customs £20,000,000, and if the income tax were abolished, with the exception of stamps, nearly the entire revenue of the country would be, as he had said, raised from house-keeping expenditure—or in other words, from commodities of ordinary consumption. Let the House consider for a moment the onerousness of some of the duties affecting articles of ordinary consumption by the poorer classes, as compared with the value of the articles consumed by the richer classes. On tobacco there was a duty of 400 per cent, while the duty on foreign cigars was only about 10 per cent. With regard to wine, cheap claret paid a duty of 15 per cent, while the high-priced claret drunk by the rich was only taxed at the rate of 1½ per cent. With regard to beer, the malt duty, with reference to the value of the article, was not less than 50 per cent; and the spirit duty was equal to 100 per cent. The tea duty was 23 per cent on the poorest qualities, while it was only 10 per cent on the finer qualities consumed by the rich. Could anyone pretend to say that the taxation of the country would be rendered more just if the income tax were entirely repealed? He entreated those hon. Members who were joining this agitation to demand the entire and unconditional repeal of the income tax, seriously, to consider what they were doing. If they once convinced the people of this country that the wealthy classes were anxious to shift from their shoulders any burdens they ought to bear—if they once entered on that path of financial injustice, their footsteps would soon be followed by those who would demand a tax on realized property. In that case they might depend upon it the least numerous class would go to the wall. They might gain a victory, but it would be dearly bought and would inflict great injury on the future of the country. The question became all the more important when viewed in connection with the subject of local taxation and the grants from Imperial funds in aid of local expenditure. The hon. Member for Londonderry had said with great truth, that it was almost impossible to keep the income tax at the present point—it must

either be abolished, or placed at an amount where it would be worth collection. He (Mr. Fawcett) thought the Chancellor of the Exchequer never made a greater mistake than when he reduced the tax this year from 3*d.* to 2*d.*, and he fancied that the Revenue Returns had already taught the right hon. Gentleman a lesson on that subject. No doubt it might be said that if the matter had been in other hands, they would have had no income tax at all at the present moment. But what said the Chancellor of the Exchequer himself? He said that mighty structure of the income tax, which had raised £250,000,000, which had enabled great fiscal reforms to be carried out and conferred great benefits on the country, was not to be lightly destroyed on six weeks' notice; but the right hon. Gentleman must see that after six weeks' notice, having reduced the tax from 3*d.* to 2*d.*, although he did not destroy the structure, he gave its foundation a very rude and serious shaking. It was obvious, for every penny they took off the income tax they left all the disadvantages of its collection untouched, and left it as inquisitorial as before; therefore in proportion as they reduced it, they added to the arguments for its total repeal. He would be the last to maintain it could not be made more just in incidence and equitable in collection; but there was no reason why temporary income should be taxed at a lower rate than permanent income. An investment of £10,000 in an annuity of £600 for 20 years, and one of £10,000 in a permanent annuity of £300 a-year represented exactly the same amount of property; and why should the £600 be taxed at a lower rate than the £300? There was no arithmetical argument for distinction between permanent and temporary incomes derived from the same source. The question, however, was different if they supposed the temporary income to be uncertain, and derived from professional labours, and it was worth considering whether inequality could not be reduced by a rough deduction. If it was proved that there was a real desire to make the tax more equitable and its collection less annoying, much of the supposed opposition to it would cease. What was required was to raise the limit of exemption. He was astonished to hear the hon. Member for Elgin—a Member of the Government

which pledged itself to abolish the tax—proposing to extend it to the wages of artisans; but its collection would be impossible, and such extension would make the tax more unjust. It was a cardinal principle of taxation that every man should be taxed in proportion to his ability to pay, but in opposition to that principle, those with incomes between £100 and £400 were taxed far more in proportion to their ability than those with higher incomes; and if the tax were extended to smaller incomes, the inequality would be increased. He would therefore raise the limit of exemption to £200, so that a man with £250 would pay on £50. The proposal to tax the wages of artisans, moreover, was if not unjust, at least impracticable, although many artisans and skilled mechanics by the aid of their families earned more than curates, half-pay officers, and others who paid income tax. Any circumstance which tended to promote the wealth and prosperity of the country tended to bring additional wages to the artisan, but it did nothing to raise the income of the clerk, the annuitant, the half-pay officer, the widow, and the curate, which every year, as the prosperity of the country increased, became less valuable. That, he thought, was a strong reason for relief in the way of deduction. It was not popular to say anything in favour of the maintenance of the tax, but he could not resist the conclusion, that if the income tax were repealed a heavier burden of taxation would be thrown on classes already unduly burdened, and that many whose wealth was the greatest and could best afford to contribute to the revenue of the country would escape taxation altogether. He trusted, in conclusion, that what took place in reference to this tax at the General Election would be buried in oblivion. It was then a moment of excitement; and because in a moment of excitement, one great party Leader promised abolition, and his great rival opposite endorsed that promise, let them not abandon a tax which, in the words of the Chancellor of the Exchequer, had conferred so many advantages on the country, and enabled great reforms to be carried out. If the tax were abolished, it would be impossible to say that our system of taxation would remain as satisfactory as it was now, and as he had before observed, there would spread far

and wide the notion that the wealthy were anxious to shift the burdens from themselves, and they would see those who had the majority of political power retaliating with certain financial proposals which it would be extremely difficult to resist. He did not wish to press the House or the Government to a hasty decision, but he hoped that the subject would be taken into consideration during the autumn, and that the Government would not carelessly surrender this part of the revenue, but, on the contrary, that the Chancellor of the Exchequer would devote the abilities, which all recognized, in order to see whether the income tax could not be rendered less worrying in its collection, and more equitable in its incidence, and whether, instead of abolishing the tax, some further fiscal reform could not be carried out which would be more beneficial.

THE CHANCELLOR OF THE EXCHEQUER said, he would not attempt to challenge the discretion of the hon. Member for Londonderry in having brought forward his Motion at the present period of the Session, or the term he had thought fit to select for it. He could not have been in better hands, but, at the same time, while recognizing the great importance of the subject, as well as the value of the debate which had taken place upon it, he claimed on behalf of the Government that they should not be fettered in their discretion by any premature pledge on that subject. He would make that claim not only on behalf of the Government, but he might venture to ask the House to make the claim for itself; because if the House should now, at the end of the Session, when nothing practical could be done, commit itself to an abstract Resolution of this character, they would find themselves hampered when they came to consider the financial proposals of next year. He had no complaint to make as to the language which had been used during the debate; but he could not help remarking that there had been throughout the debate almost an unusual amount of reference to speeches previously made, and declarations said to have been made by different Members belonging to both sides of the House; and the Government were asked now to take, or not to take, certain steps with reference to those declarations. The language both of the late Prime Minister

Mr. Fawcett

ter and the present Prime Minister had been quoted, and also his (the Chancellor of the Exchequer's) own; and whilst he was not prepared to speak for others, he could say for himself that he was prepared to abide by any declaration he had made on the subject; but, whatever might have been the language that was used during the elections on the one side or on the other, either by the late or by the present Prime Minister, he was not prepared, either for the one right hon. Gentleman or for the other, to admit entirely the accuracy of the construction which had been put upon their language, and whatever may have been the language used on the occasion, he denied that the verdict delivered by the country was either of the character which had been supposed, or of a precipitate character. He believed that when Her Majesty's Government came forward in the beginning of the Session to make their proposals, they fairly reflected the opinion of the country in saying that the moment was one at which it was desirable they should pause; that they should commit themselves as little as possible to any embarrassing principles; and that they should leave the full and careful consideration of the whole system of the taxation of the country to be brought forward deliberately, and, after full reflection, next year. He was not at all prepared to admit that, in reducing the income tax to 2*d.*, the Government, as had been stated that night, had shaken the tax to its foundations, or shaken it at all. On the contrary, the Government reserved to themselves, in the most entire manner, their liberty to deal with that and other taxes in such a manner as upon full consideration and a comparison of the different parts of our fiscal system they might think to be expedient and desirable. That was the only way in which a Government would be justified in dealing with financial questions. It was impossible for the Government, at any time, however hon. Members might press their particular views, to deal with any particular tax imposed only for fiscal reasons, without taking into consideration the whole system of taxation of the country. Therefore, when the whole question was how the Government were to deal with our fiscal system, the matter could not be argued piecemeal. Even the proposal of the late Prime Minister was not sim-

ply one to abolish the income tax; it was a proposal to re-cast, to a great extent, the system of taxation, to re-adjust it, not only for the purpose of getting rid of the income tax, but of dealing with local taxation and certain portions of indirect taxation also. So with respect to their fiscal system that year, the Government reminded the House that one of the great questions was the question of local taxation. The hon. Member for Londonderry referred to something he (the Chancellor of the Exchequer) had said last year, to the effect that the Government ought to declare its intention with respect to the income tax. It was true, he said, that they ought to declare their intention with respect to the whole subject of direct taxation, including local taxation, as well as the income tax; and he would say now, it would be the duty of the present Government when they came forward, as he hoped they would be able to do next year, with proposals for a general scheme of taxation, to take these two subjects into consideration together, and make their proposals with regard to them. All they had done that year was to leave themselves free to deal with these questions as they might think fit, and as the House might think fit; and they had asked the House to abstain from pledging itself to any particular course for the future. He did not accept the condolences of the hon. Member for Hackney (Mr. Fawcett) on the state of the Revenue, and, at the same time, he was very sorry circumstances did not permit the right hon. Gentleman the Member for Pontefract (Mr. Childers) to put his Question that evening. But whenever the Question was put, he hoped he should be able to give it a satisfactory answer. It had been said that the Government was doing a great deal of mischief by cutting down the income tax to so low a figure. He was not now prepared to express an opinion whether 2*d.* was a proper figure to keep the income tax at in time of peace, and when there was no special call in other respects on them; but he would remark, the lower the figure of the income tax, the more profitable in proportion was the yield; and hon. Members would be struck by that fact, if they looked at the Return of this quarter's Revenue, and remarked how much greater in proportion was the yield of the first quarter, which was a rema-

net of the 3*d.* income tax, than that of the first quarter of last year, when it was a remanet of a 4*d.* tax. There was a good deal more to be said for a low rate of income tax than might at first sight appear. In the first place, there was less temptation to evasion; and, secondly, as the income tax was spoken of as an unjust tax, or as pressing more heavily on some than on others, the inequality was very much diminished when they raised only a small proportion of the revenue from it, because that inequality might be very much mitigated by the mode in which they raised our Revenue in other directions. He hoped the House would pursue the same wise policy now towards the end of the Session as it had done in the beginning, and not ask the Government to place itself in an inconvenient position. He had expressed on this subject the settled convictions of the Government from the time they had taken office; and they were entirely in accordance with those which he had himself, for some time past, put forward.

Question put.

The House *divided*:—Ayes 139; Noes 38: Majority 101.

COAL MINES—THE COLLIERY ACCIDENT AT DUKINFIELD.

MR. ASSHETON CROSS, referring to a Notice placed on the Paper by the hon. Member for Staleybridge (Mr. Sidebottom), stated that in accordance with the provisions of the Act of Parliament he had called upon the Inspector of Mines to make a special Report, which would, in due course, be made public by being laid upon the Table of the House.

ARMY—A CENTRAL INLAND ARSENAL.

MAJOR BEAUMONT said, he would not at so late an hour move the Amendment which he had placed on the Paper; but he gave Notice that at an early period next Session he would move for a Select Committee to inquire into the expediency of establishing a central inland arsenal, and to report whether the outlay caused by removal from Woolwich would not be counterbalanced by general economy in manufacture?

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

The Chancellor of the Exchequer

SUPPLY—*considered in Committee.*

(In the Committee.)

£139,041, Greenwich Hospital and School.

House *resumed*.

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

INTOXICATING LIQUORS (IRELAND)

(No. 2) BILL—[BILL 114.]

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.*)

COMMITTEE.

Bill *considered in Committee.*

(In the Committee.)

MR. R. SMYTH hoped the Government were not in earnest in asking the House to go again into Committee on this Bill at that late hour—past 1 in the morning. It was not fair to Irish Members, and such a course would not be taken on the English Licensing Bill. He should move to report Progress.

Motion made, and Question proposed. "That the Chairman report Progress and ask leave to sit again."—(*Mr. Richard Smyth.*)

SIR MICHAEL HICKS - BEACH hoped the hon. Member for Londonderry would not persevere in his Motion. If he would allow the Bill to proceed, it could be considered again on the Report.

CAPTAIN NOLAN said, there had been four attempts to "count-out" in the course of that night, and Irish Members were faint, and most of them had gone away. They did not think the Bill would be proceeded with again that evening.

Motion, by leave, *withdrawn*.

Several new clauses *agreed to*, and *added to the Bill*.

House *resumed*.

Bill *reported*; as amended, to be considered upon *Tuesday* next, and to be *printed*. [Bill 191.]

HERTFORD COLLEGE, OXFORD BILL.

[Lords].—[BILL 103.]—COMMITTEE.

[Progress 1st July.]

Bill considered in Committee.

(In the Committee.)

MR. GOSCHEN asked for an explanation of the Bill.

MR. MOWBRAY stated its object.

MR. GOSCHEN said, Amendments had been withdrawn on an understanding that they had been accepted by the promoters, and it now appeared they had not been.

MR. DILLWYN moved that Progress be reported.

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(Mr. Dillwyn.)

MR. GATHORNE HARDY hoped the Motion would not be pressed.

Question put.

The Committee divided:—Ayes 29; Noes 84: Majority 55.

Clause 5 (Power to make statutes).

MR. GOSCHEN, in moving an Amendment to the effect that the statutes should be laid before Parliament, instead of being confirmed by the Chancellor of the University as Visitor of the College, said, reforms had in several instances been prevented at Oxford by interference of the Visitor, and it certainly was not right that one person should have the power of over-riding the opinion of the Governing Body.

Amendment proposed, in page 4, line 20, to leave out from the word "confirmed," to the end of the Clause, in order to insert the words "laid before Parliament."—(Mr. Goschen.)

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 78; Noes 27: Majority 51.

Remaining clauses agreed to.

House resumed.

Bill reported, with Amendments; as amended, to be considered upon Monday next.

INDUSTRIAL AND REFORMATORY SCHOOLS BILL.

On Motion of Mr. Secretary CROSS, Bill to extend the powers of Prison Authorities in relation to Industrial and Reformatory Schools; and for other purposes, ordered to be brought in by Mr. Secretary CROSS and Sir HENRY SELWYN-IBBETSON.

Bill presented, and read the first time. [Bill 193.]

House adjourned at a quarter after Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, 6th July, 1874.

MINUTES.]—PUBLIC BILLS—First Reading—Agricultural Tenants Improvements* (149).

Second Reading—Building Societies* (127).

Committee—Leases and Sales of Settled Estates* (93); Bills of Sale Amendment* (139-152); Elementary Education Provisional Orders Confirmation* (88-153).

Committee—Report—Apothecaries Act Amendment* (116).

Report—Conjugal Rights (Scotland) Act Amendment* (126).

Third Reading—Drainage and Improvement of Lands (Ireland) Provisional Order* (126), and passed.

Withdrawn—Glebe Lands Sale (136).

MALAY PENINSULA.

QUESTION.

LORD STANLEY OF ALDERLEY, on rising to ask the Secretary for the Colonies, Whether he is instituting or about to institute an inquiry into the state of the Administration of the Straits Settlements previous to November, 1873, said, the object of the Motion he before made respecting the Malay Peninsula was to point out the risk of this country being insensibly led on to the conquest of that Peninsula, and to elicit from Her Majesty's Government a declaration in opposition to such a course. He failed entirely; and, in consequence of having made some accessory matters too prominent, only succeeded in eliciting contradictions from the two Secretaries of State, repeated on a subsequent occasion, and sufficient to have silenced him till next Session had he not been sure of the facts of which he had spoken. He had referred to the bad administration of the Straits Settlements incidentally only, and to support his main argument, and not

expecting that would be denied. He made a mistake in twitting the noble Earl (the Earl of Carnarvon) with the appointment of the late Governor, for it was unnecessary, as he mentioned at the same time to their Lordships that the noble Earl was not responsible for that Governor's acts, having quitted office shortly after his appointment. It was also unnecessary, since he was as well aware as the noble Earl (the Earl of Carnarvon) that no motives of private friendship or favouritism had anything to do with that appointment. The noble Earl would perhaps, however, admit—if not to their Lordships, at least within his own mind—that he had some provocation in consequence of his laudation of the affairs of the Straits when speaking of the Gold Coast; and subsequently the noble Earl told their Lordships he had never heard of any dissatisfaction with the Colonial Office in the Straits. He thought the noble Earl had shown by that statement that from the time he left the Colonial Office until he returned to it this year he had not read any of the Straits newspapers. He must protest against the doctrine held by his noble Friend (the Earl of Kimberley), that three years was too long ago to refer back; what political action or circumstances could he mention, the origin of which did not date from a longer period than three years? He must also protest against the doctrine that, if the conduct of a Colonial Governor was called in question, it was the duty of all the Ministers under whom he had served to defend him *per fas et nefas*, whether he was right or wrong. Such a doctrine would make public interests go to the wall, and a Governor who might have been reproved by the Minister in private would find himself upheld and approved by the Minister in public. If he was told that it was too late, only six months after an Administration had ceased, to call it in question, he urged that had he done so while the Governor was in office he should have been told he was weakening his hands. Though he was prepared for a sharp reply from his noble Friend opposite (the Earl of Carnarvon), since he had, perhaps, brought it on himself, he was not prepared for what fell from his noble Friend (the Earl of Kimberley), against whom he had said nothing, and from whose despatches in the Salangore Blue Book he had read passages in sup-

port of his views; and it was only after the discussion was over, he understood that his noble Friend (the Earl of Kimberley) might have felt that he had been implying that he was in the case of "*Judex damnatur cum nocens absolvitur*." After what his noble Friend said, he felt bound to ask for an inquiry into the administration of the Straits up to November, 1873—and in justice to the new Governor, Sir Andrew Clarke there should be an inquiry into the system, in order that he might start fair. But, perhaps, he was wrong in asking for an inquiry as to the whole of the matters that might be thought to be fit subjects for one, since the Colonial Office might have and probably had already inquired into many of these matters; but what was wanted was that the Colonial Office should publish its own judgment on these matters, either by laying the Correspondence before their Lordships or by ordering the Straits Government to publish them, that the colonial public might know that the Colonial Office had been watchful over its interests. With regard to the question of presents, he would only observe that the defence offered by the noble Earl (the Earl of Carnarvon) merely stated that which was stated in the letter to *The Straits Times*, which he himself had read to the House; and he did say that if the Government believed that letter to be a calumny they were bound to prosecute *The Straits Times*, and to clear the late Governor completely; in which case he (Lord Stanley of Alderley) should be anxious to express to him his regret at having brought that letter before their Lordships. He would go further, and say that if the late Governor would tell him in black and white that neither directly nor indirectly had he taken any other presents than those weapons referred to by the Secretary of State, he should be willing to express to Sir Harry Ord his regret for having given him a moment's pain. He could not help feeling that Sir Harry was indebted to him for having given him the opportunity of meeting a charge made in the Singapore papers months before he left the colony, and which it did not appear he had ever denied or noticed. He now came to another matter. In a letter signed "Economist," which appeared in *The Straits Times* in 1870, this statement was made—

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"Was not the office of Assistant Colonial Secretary created by the recommendation of Sir Harry Ord? Did not Sir Harry Ord put into it his own private secretary, Mr. Plow, already the holder of two offices, to keep the place warm for the gentlemen appointed by the Secretary of State? Did he not authorize Mr. Plow to draw the full pay of the new office (£600 to £800 a-year, I believe) in addition to his own two full pays? Did he not even authorize him to receive it after Mr. Irving had been appointed to the office at home, and was entitled to half the salary? Lastly, was not the office a perfect sinecure all last year, and did not Mr. Plow resign it because the present Colonial Secretary, Captain Shaw, insisted on his doing some work, or, at least, attending for some time at the office? If these questions cannot be answered in the negative, one more has still to be asked. Is it to the 'Colonial system,' or to Lord Granville, or to Sir Harry Ord, that this happy disposal of the Colonial Funds is to be attributed?"

The Colonial Office did take action in this matter by redressing this financial irregularity, and it might be fairly assumed that it blamed the Governor, and conveyed its approval to the Treasurer, who had been upright, and had upheld the rules and regulations of the service. He challenged the Colonial Office to produce this Correspondence, and he challenged his noble Friend (the Earl of Kimberley) to ask for its production, that their Lordships might judge whether he was justified in stating that the Governor had always acted with perfect fidelity. He must remind their Lordships that the Straits Settlements under the India Office had been perfectly peaceful, but that shortly after the transfer to the Colonial Office every portion of the community was in arms against the Governor; and the London merchants connected with the Straits were driven to found an association to oppose a course of what was described as reckless and selfish expenditure; for a colony that had a revenue of less than £300,000 saw in three years some £50,000 spent in building a palace for the Governor, and some £60,000 more for buying and keeping up steamers. The complaint also was generally made that these steamers were not used for public purposes, but that they served too much the purposes of pleasure yachts; and the item of "travelling expenses" in the Colonial Budget was one which required the attention of the Colonial Office. But it was not merely the large sums thus taken from the public purse for private purposes which attracted attention and excited universal reprobation—there was

the manner in which it was done. The Legislative Council was first told that the amount for the Government House was not to exceed £22,000. This was soon exceeded by some £5,000 or £6,000. Then, a further sum of £9,000 was obtained on a misrepresentation of what was already voted. He believed that not only the colony, but the Colonial Office was misled on this point. Then the French system of *virements* invented by M. Janvier de la Motte was resorted to, so that money voted for a different purpose was applied to the Government House. So as regarded steamers—representing to the Legislative Council that the cost of a steamer and a steam launch would not exceed £16,000 or £17,000, Sir Harry Ord got a vote passed authorizing him to buy those vessels. The vote made no mention of the limit, a copy of it was sent home to the Colonial Office, and they ordered a vessel which was to cost £23,000 at home, and, perhaps, £2,000 more to send her to the colony. Fortunately, the Straits Association interfered, and the Colonial Office prevented the construction of the vessel, and sent out a cheaper one. But what was his noble Friend's (the Earl of Kimberley's) opinion of the pecuniary administration of this public servant, whom he proclaimed the other day as faithful? In a despatch of August 15, 1871, he said:—

"The expenditure of the Colony does not appear to me so satisfactory. I have noticed in the two last quarterly returns, as well as in the details of the Supplementary Estimates of previous years, that the Estimates are not drawn with as much care as is desirable; and that, while in ordinary services, there has been a constant and considerable increase, no great work of public importance, with the exception of the Government House at Singapore, has been yet undertaken. It should be borne in mind by the officer of your Government that a prosperous revenue furnishes no reason for lax or injudicious expenditure, and that those Colonial Governments which have presumed on a temporary surplus have, in many cases, been severely inconvenienced when unexpected circumstances called for summary retrenchment. In such cases, the first to suffer and to complain have been the officers of the Civil Administration, through the laxity of which disorder has arisen."

There was another matter which should become the subject of inquiry, and that was the opium-farming. The late Governor renewed the opium farm for three years, though the lease had not expired, instead of leaving this to be done by his successor. He desired also

to request the noble Earl the Secretary for the Colonies to turn his attention generally to the subject of opium-farming by the British Government, as opium in the Straits and in Hong Kong required restriction and regulation still more than liquor in England; and the conduct of the British Government in this respect had been very severely commented upon by French writers. Now, in all that he had said he had merely repeated what had been matter of public fame for a long time in the Colony, and among colonial men at home; and he trusted that he should not be met again by remonstrances against making charges and raking up old stories. In his opinion, those who would screen the late administration of the Straits from a thorough investigation, or who would refuse to produce the Correspondence and Papers which could throw light upon it, merely pleaded guilty for it. To say they would have no inquiry, meant that the late Straits Administration was unable to face one. To say, it was too late now, was to say, that after six months' retirement a Governor might plead the Statute of Limitations. If that was the answer he was to receive it would be a significant one, and he should be quite satisfied that the complaints as to the state of things which exasperated the Straits Settlements for the last six years were not imaginary, but only too well founded. He now came to a complaint which was one which specially required inquiry into, and the result of the inquiry should be laid before their Lordships. He referred to the flogging of Chinese rioters. This flogging was quite unnecessary; it was contrary to public policy to establish severer punishments for one class of Her Majesty's subjects than for another. While we objected to certain Chinese punishments as barbarous, we ought not to set such a bad example to the Chinese. If the Government set the example of flogging, it was no wonder that the planters should follow it, and that recently two planters had been sentenced to only three and four months' imprisonment for flogging two coolies to death. The Kong Sis, or Chinese guilds, were not, as was stated the other evening by the Secretary of State (the Earl of Carnarvon), secret societies; but no accusation of secrecy ought to have weight against these Chinese guilds in this country, where so many Englishmen belonged to

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a secret society—that of the Freemasons—without that fact being thought blameable by those who belonged to that body. Colonel Cavanagh did him the honour to ask his opinion, many years ago, about these Kong Sis, or beneficent societies and trade unions, and he recommended him to give an official position to their head men and make them responsible for keeping the peace. He learnt later that this had long been the practice in the Philippine Islands and in Java, where it had met with complete success. The flogging in the Straits Settlements had consisted of legal and illegal flogging. A law was passed in the Straits to sanction flogging of Chinese rioters, and it was a pleasure to him to be able to state that his noble Friend (Earl Granville) refused his sanction to it. After that, flogging took place, he believed, illegally. Later, a law for flogging was again passed—and he did not know whether it received the sanction of his noble Friend (the Earl of Kimberley) or not. If he did not sanction it, then all the flogging which undoubtedly occurred was illegal, and required inquiring into. If he did sanction it, it would be for him to explain the grounds on which he sanctioned it, after his predecessor had refused to do so:—and, it must be remembered, that no change had occurred in the circumstances of Singapore. Their Lordships would, probably, be inclined to prefer the course taken by the late Secretary for Foreign Affairs to that taken by the late Secretary for the Colonies. It would be necessary for the Colonial Office now to inquire into this matter, and consider whether it could continue to give its sanction to such a law, and could justify it. Another law, authorizing the summary expulsion of Chinese from the Straits, was also passed, and gave rise to much dissatisfaction at the time, and required inquiry in order that the Government might decide whether it should continue to sanction or should abrogate it. He would now conclude by asking his noble Friend the Secretary of State for the Colonies, whether he was instituting, or was about to institute, an inquiry into the state of the administration of the Straits Settlements previous to November, 1873?

THE EARL OF KIMBERLEY said that as his noble Friend (Lord Stanley of Alderley) had referred to several matters

which occurred when he was at the Colonial Office, he thought it would be well if he made a few observations before his noble Friend the Secretary for the Colonies rose to reply. His noble Friend who had just addressed the House somewhat misunderstood him the other evening, when he understood him to say that they could not go into the transactions to which his noble Friend had called attention because they occurred three years ago. What he said on the occasion was that the Correspondence relating to those transactions was presented three years ago, and that he thought, therefore, his noble Friend might have challenged the conduct of the Straits Government at an earlier period than the present. Again, his noble Friend seemed to have understood him as holding that Sir Harry Ord had never made any mistakes. He had not taken up any such position. He thought his noble Friend had attacked Sir Harry Ord rather unfairly, but so far from saying that he had made no mistakes, he said he had failed on some occasions, though, on the whole, he had done good service. It was of but of few Governors of Colonies it could be said they had made no mistakes. His noble Friend had referred to the case of the double appointment in which Mr. Plow was drawing the pay of Colonial Secretary when he ought not to have been doing so. When the matter came under his own notice as Secretary for the Colonies it at once appeared to him that there was not the least doubt about the matter; and believing that Mr. Plow was not entitled to draw that pay, he ordered an inquiry into the matter, and, as the result of that inquiry, he directed that the money so drawn should be refunded. Then, as regarded the finances, in a Despatch which he sent out to Singapore he called attention to the fact that the management of the finances was not satisfactory. The matter was considered and discussed at Singapore and in the Colonial Office, and in certain respects improvements were suggested. He was in hopes that the suggestions of Her Majesty's Government had been productive of good effect, and he could see no objection to the production of this or of any other Correspondence on this subject. Then came the question of flogging. In a Peace Preservation Act sent over here for approval it was proposed that the punishment of flogging might be inflicted for illegally

carrying arms. Lord Granville objected to that, but subsequently another code was prepared, and in it that punishment was proposed for certain offences. He was not enamoured of the punishment of flogging. He thought we should be very cautious in giving it our sanction, and that it should be inflicted only in cases of great brutality. It was inflicted only in such cases under the general code to which he had just alluded; but it was proposed that it should also be inflicted in the case of rioting, but only under peculiar circumstances. The Peace Preservation Act of the Settlement provided that in certain cases of rioting the magistrates might by proclamation acquire larger powers of dealing with the rioters. When at the Colonial Office he came to the conclusion that in these very serious cases, and after the place had been put under proclamation, flogging might be inflicted on the rioters. The noble Lord seemed to be of opinion that the Chinese Guilds in Singapore were harmless societies. That was not so, these guilds were a source of considerable embarrassment to the Government. It was true that their actions were not directed against the Government; but they quarrelled among themselves to such an extent, that the trade and peace of the place were seriously disturbed by their riots, and in these conflicts lives had sometimes been sacrificed. The Governor had informed him that in these serious cases flogging was approved by the whole of the European population, and he thought he had informed him that it was approved by the Chinese residents also. If his noble Friend the Secretary for the Colonies saw no objection to producing the Correspondence referring to those several matters, he for his own part should be glad of its production; but if it were produced he should not think his noble Friend would be able to lay grounds for an inquiry, now that Sir Harry Ord no longer held office, and that the Governor was Sir Andrew Clarke, than whom there was no abler servant of the Crown.

THE EARL OF CARNARVON said, he thought his noble Friend who had just addressed the House had disposed of nearly all the topics touched upon by the noble Lord (Lord Stanley of Alderley). For himself, he (the Earl of Carnarvon) must demur to the remarks made by the noble Lord at the outset of his speech as

to his not having made a sufficient study of the Colonial newspapers. Having regard to the number of our Colonies and the number of newspapers published in them, it would be impossible for anyone to find time to read them all. The noble Lord had spoken of the expenditure under Sir Harry Ord in reference to building the Government House, which he said was not of a character warranted by the revenue of the Colony. It was true that Sir Harry Ord did lay his plans for that house on a larger scale than the circumstances of the Colony warranted; but he was blamed for that by his noble Friend (the Earl of Kimberley), and also for allowing the building of that house to take precedence of the other works of the Colony. It must, however, be borne in mind that the expenditure for Government House was sanctioned by the unofficial Members of the Governor's Council, and it must also be remembered that he left the Colony, not only free from debt, but with a very considerable surplus. The case of the steamers was this:—When the Straits Settlements were handed over, the steamers previously in use were worn out. Sir Harry Ord, with the consent of his Council, made a requisition for a steamer to cost £16,000; but by additional fittings the price was brought up to £23,000. He was directed to strike that sum out of the Estimates, and a steamer which cost less than £16,000 was sent out. The noble Lord spoke of the transfer of unexpended balances from one head of expenditure to another. It was true that the practice was not restricted as much as it ought to have been at Singapore. He did not like the system, but it was not peculiar to the Straits Settlements. It prevailed in this country till within a few years ago, and, subject to a Minute in Council, it still existed in Australia. As to the case of Mr. Plow, had Sir Harry Ord attended to the Colonial Rules he would have known that such appointments, if not actually prohibited, were discountenanced by those Rules; but as his noble Friend (the Earl of Kimberley) had explained, the disapprobation of the Colonial Office had been expressed in that case. With respect to flogging, the noble Lord asked whether Her Majesty's Government would continue to give their sanction to the flogging ordinance which had been passed

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some five or six years ago. There were two Colonial Acts which contained provisions respecting flogging—the Peace Preservation Act, and the Penal Code. The offences for which the Penal Code of the Straits Settlements provided flogging, were those which were of a brutal nature and were analogous in their character to those for which flogging was inflicted in this country. The question of that penalty in those cases had been very fully considered in the Colony, and certainly he was not prepared to advise any alteration in the law. The Peace Preservation Act provided flogging for rioting with deadly weapons. The conditions under which the punishment could be inflicted were strictly defined, the district must be proclaimed before the Act could be applied, and the number of lashes was specified. Although flogging might be repugnant to our modern notion, it might be said to be almost indigenous in the East, and considering the circumstances he had stated, he saw no reason for recommending its abolition in those rioting cases. There had been no Petition or remonstrance on the subject, and he had not heard any abuse alleged until the noble Lord stated that two coolies had been flogged to death and that the person who inflicted the flogging had received only four months' imprisonment. He should like to have further particulars, if the noble Lord could furnish them, for there was no account of the case at the Colonial Office. The inquiry which the noble Lord now asked for would be almost without precedent. It could be justified only by a conviction on the part of the Colonial Secretary that serious abuses had occurred. He did not think such abuses had occurred, and, therefore, he could not hold out to the noble Lord the slightest expectation that an inquiry would be instituted. The case was one of a Crown Colony. There had been mistakes; his noble Friend the late Secretary for the Colonies had expressed his opinion on those mistakes, and that in a very unsparing manner; but it would be very unjust to Sir Harry Ord if the Government gave any grounds for the belief that they thought an inquiry into his conduct was necessary. No Petition or Memorial asking for such an inquiry had been addressed to the Crown, and in his opinion not the slightest case had been made out for it. During Sir

Harry Ord's Governorship the expenditure of the Colony never reached its income; no new tax was imposed; the value of land increased largely; the trade of the settlement increased 27 per cent; the increase of shipping entered was to the extent of 40 per cent, and that of shipping cleared to the extent of 45; and when revenue and expenditure were taken—though it was difficult to make an exact comparison in consequence of the transfer of various items—the result was that a Colony which commenced its career without a balance had a credit at the commencement of the present year of nearly \$700,000. Before producing the Despatches referred to by his noble Friend (the Earl of Kimberley) it would be necessary to look through them; but as far as the Colonial Office was concerned there was no objection to their production.

NAVAL CADETS—OBSERVATIONS.

RESOLUTION.

LORD CHELMSFORD rose to call attention to the Returns which had been laid upon the Table of

"the regulations in force on board Her Majesty's ship *Britannia* in respect to the summer and winter routine and the course of study prescribed for naval cadets;" also of "the examination papers issued for the examination of candidates for naval cadetships, and of naval cadets at the end of their first, second, third, and last term for the year 1873."

and to move a Resolution thereon. The noble and learned Lord said, he thought he should be able to show their Lordships that the subject to which he wished to direct their Lordships' attention was one of great, and he might add, of national interest—for such the training of officers in our Naval Service must unquestionably be considered. Should their Lordships agree to the Motion for the production of the Returns, he thought he should be able to show that upon their due consideration, an inquiry ought to be instituted as to the course of study prescribed for Naval Cadets, and as to the character of the post-terminal examinations, with the view of ascertaining whether the system had been found by experience to work satisfactorily in training up young officers to fit them in every respect for our Naval Service. He believed that if an inquiry were instituted, it would be found that the severity of the studies enforced

at the training schools overtaxed the mental powers of the cadets, and consequently was injurious to their health. The candidates for cadetships had to present themselves at from 12 to 13 years of age. The examination for admission—which took place half yearly—was a competitive one, and as the candidates were usually about double the number of the vacancies, a great many boys were disappointed. It was not with this entrance examination he had to deal. The system of competitive examination for all services was now believed to be established; but it had been so indiscriminately applied, and it had been pushed to such an absurd and such a ridiculous length, that eventually it must provoke a re-action. As, however, the object of this entrance examination for cadets was to get the best boys, perhaps it was right that it should be somewhat beyond the powers of average youths. What he wanted to particularly bring under the notice of their Lordships was the course of the successful candidates, in order that their Lordships might ascertain the ordeal through which these boys had to go, and the number of barriers through which they must make their way before they were admitted to active service. The training was conducted on board the *Britannia* at Dartmouth, and took two years. Each of those years was divided into two terms. At the end of each term there was an examination—so that there were four examinations to be gone through in the course of the training, and failure in any one of these would be defeat to the boy's attempt to enter the naval profession. He had moved for a Return of the examinations during the four terms which preceded the end of the year 1873. He would call their Lordships' attention to a few questions put to the cadets at each term examination. At the first term the cadets were to be of an age not under 12½ years, and not over 14, and the subjects of examination were arithmetic, algebra, Euclid, plane trigonometry, geography, history, grammar, and literature, religious knowledge, and French. With respect to algebra, he might mention that a person fully competent to judge of the fact had stated that the questions were far beyond the calibre of boys of that early age. Ten questions were put in arithmetic, which they had two hours

and a half to answer; and here was one of them:—

"The value of the paper required for papering a room, supposing it $\frac{1}{2}$ -yard wide, and worth $4\frac{1}{2}d.$ a yard, is £2 3s. $1\frac{1}{2}d.$; what would be the cost if were 2ft. wide, and worth $4d.$ a yard?"

He thought he might venture to say that there were some Members of their Lordships' House who would find themselves very severely taxed to answer that question in three hours, even if it stood alone. For the questions in geography they were allowed three hours, and in that time the boy was required to—

"draw a map of the Spanish peninsula, showing the provinces, chief towns, and mountain chains," and to "describe the position of the following places, and state for what any of them are remarkable:—Bilston, Wigan, Witney, Galashiels, Carron, Newry, Breslau, Astracan, Magdeburg, Rotterdam, Liege, and Bordeaux."

The boy was also required to—

"show, by means of a diagram, the mean elevation of the Continents. Write a descriptive account of the principal lowland plains of the Old World."

The time allowed for history was one hour and a half, and in that very limited time the boys were to state as follows:—

"1. What nations have successively gained a footing in this country? State how long the rule of each continued. 2. Explain fully the relations in which Edmund Ironside and Canute stood to each other and to the country. 3. What claim had Edward the Confessor to the throne? Describe his character and the principal events of his reign. 4. Show by a description of events which occurred during the reign of William I. that the English people did not receive him submissively. 5. What were the leading features in the characters of Harold, William I., William II., Henry I., and Stephen? Substantiate what you say by examples. 6. Describe—(a) trial by ordeal, (b) Danegeld, (c) curfew bell, (d) tournaments."

Could their Lordships imagine the state of mind a poor boy of such tender years would be in, who had to prepare for such an ordeal? But on the second term's examination the subjects were of progressive difficulty, and spherical trigonometry and navigation were added to the subjects. In arithmetic there were again ten questions, of which he would take two as specimens:—

"If 12 oxen and 35 sheep eat 12 tons 12 cwt. of hay in eight days, how much will it cost per month of 28 days to feed nine oxen and 72 sheep, the price of hay being £4 4s. a ton, and three oxen being supposed to eat as much as seven sheep."

The next was—

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"£1 English being 25·4 francs, 3·75 francs being equal to 105 kreutzers, 60 kreutzers being equal to one florin, find in English money the value of 1,143 florins."

Then, in geography, they were required to—

"draw a map of Persia, showing its divisions and chief towns. Describe its boundaries and government. Enumerate the States of India, starting from the mouths of the Hooghly and proceeding round by the south to the north, and then down the centre. Give as full an account as you can of the distribution of minerals over the earth. Write a full account of coral formations."

For answering the following six questions in history they were allowed an hour and a half:—

"1. Name the Kings from Henry II. to Richard II., and give the time that each reigned, with chief events of his reign. 2. Who were the Plantagenets? What events led to the accession of the first of the line? 3. Explain the causes of Wat Tyler's rebellion. How were the demands of the rebels met? 4. Describe, as fully as you can, the relations of England with France in the reign of Henry V. 5. Write what you know of the history of Margaret of Anjou. 6. Describe the condition of France in the reign of Henry VI.; give an account of the Maid of Orleans."

Then, in grammar and literature, besides analyzing sentences and paraphrasing fourteen lines of poetry, "turning it into simple prose," they were to give a short account of the war and events celebrated in the ballad of "Horatius." For the third term, the examination was more difficult still. One of ten questions in arithmetic was:—

"Of a certain dynasty 1-3rd of the kings are of the same name, $\frac{1}{4}$ of another, $\frac{1}{5}$ of a third, and 1-12th of a fourth, and there are five besides, how many are there of each name?"

Two hours was the time allowed for history, the examination paper being as follows:—

"1. Describe the relations which existed between England and Scotland during the reigns of the first three Tudor Sovereigns. 2. Write a history of Mary Queen of Scots. 3. Show, by a genealogical table, the claim of James I. to the Throne of England. 4. Explain the following, and where possible give dates:—(a) The Statute of Six Articles; (b) Babington's Conspiracy; (c) The Spanish Match; (d) The Self-denying Ordinance; (e) The Exclusion Bill. 5. Give an account of the principal events of the reign of Charles II., and state for what that reign was particularly noted. 6. Describe the events which immediately led to the Great Revolution."

He now came to the final examination, at the time of which the boys were not to be younger than 14 or older than 15½ years. Nobody could doubt that this

last examination ought to be of an essentially practical character, and so directed that the boys might become proficient in those particular subjects which they could bring into active use in the service of the Navy. Some very perplexing questions in physics were put, in addition to some very useless questions in geology, of which the following was a sample:—

“Describe fully the different igneous and aqueous rocks and give a section of the earth's crust, with proper explanations.”

Again, under the head of history were the following questions:—

“1. Give the dates of the following events, and mention the reign in which each happened. Bombardment of Algiers, Battle of Trafalgar, Treaty of Aix-la-Chapelle, death of Sir R. Peel, the Battle of Sheriffmuir, and the opening of the first railway. 2. Give the principal events in the history of our Indian Empire with which the names of Warren Hastings, Lord Cornwallis, and Lord Gough are connected; state fully what you know of the following—the Septennial Act, the Corn Laws, and the Reform Bill; write an account of the Battle of Aboukir, with a short history of the reign of William IV.; and write a short account of the American War of Independence.”

And all this was to be done in the space of two hours. Let their Lordships fancy the feelings of a young cadet qualified in every other respect for the naval service, vigorous in mind and in body, ardently longing to enter the profession, who, after long study, found his hopes blighted and the future of his life overclouded because he could not give a satisfactory account of the Septennial Act, the Corn Laws, and the Reform Bill. What possible use was such knowledge to a naval cadet, and how much of the time which he ought to devote to thoroughly learning his profession was wasted in acquiring it. Probably their Lordships would be of opinion that under the present system the mental and physical powers of these young boys were being too highly taxed. Their Lordships would not be surprised at hearing that there was a general complaint among the cadets that the hours of study were too long and the hours of relaxation too few, and that there was too great a strain on their physical and mental powers, that their brains were worried and their nerves shattered. He had called their Lordships' attention to this subject in the hope that they might agree to the Resolution which he had given Notice to move.

Moved to resolve, That upon the consideration of the Returns which have been laid upon the Table of this House of “the regulations in force on board Her Majesty's ship *Britannia* in respect to the summer and winter routine and the course of study prescribed for naval cadets,” also of “the examination papers issued for the examination of candidates for naval cadetships, and of naval cadets at the end of their first, second, third, and last term for the year 1873,” it is the opinion of the House that an inquiry ought to be instituted as to the course of study prescribed for naval cadets, and as to the character of the post-terminal examinations, with the view of ascertaining whether the system has been found by experience to work satisfactorily in training up young officers to fit them in every respect for our naval service.—(*The Lord Chelmsford.*)

THE EARL OF MALMESBURY said, he was not at all surprised that the noble and learned Lord should have taken up this subject, considering that he had commenced his distinguished career in the naval service, of which, had he continued in it, he would doubtless have reached the top and attained the same eminence he had done in the profession which he subsequently adopted. He could not but agree in the opinion that the noble and learned Lord had expressed, that the training of cadets for the Navy was at present very much overdone, and that it was in itself injudicious. Their Lordships, however, must recollect that the whole country had been for some time so determined on having a high standard of education, and to push it to the utmost, that some allowance must be made for want of reflection and mistakes in details. Their Lordships were aware that a boy entering the naval profession should possess high courage, a healthy constitution, and good temper; and it was impossible that he should possess these necessary requisites if his health were undermined and his physical and mental powers injured by over-study. That however must follow if these young lads were overtasked in training. It was the task of the Government to see that the training of these cadets was conducted with discretion and judgment. So much was this the feeling of Her Majesty's Government that his right hon. Friend at the head of the Admiralty, being to a certain degree of opinion, from facts which had come to his knowledge, that the education of these cadets was being very much overstrained, and that their health was deteriorating in consequence of their being over-worked, had ap-

pointed a Committee consisting of two gentlemen versed in University education, two naval officers of distinction, and two medical men, who were to judge of the effects of the mental strain under the system pursued on the health of the boys and to report accordingly. That Committee was now sitting, and therefore it would be improper for him to say more on the subject at present; but he might add that the Government were obliged to the noble and learned Lord for having brought the subject under their Lordships' notice.

THE DUKE OF SOMERSET also thanked the noble and learned Lord for bringing the subject before the House. He had for a long time considered that these examinations were becoming more and more a system of "cramming" and failed in securing the main object—that was, giving these boys a good, sound, and practical education. It should be remembered that after they left the *Britannia* the boys had to be examined for the sea service and in gunnery, and consequently they had to go through other severe courses of study. He would repeat that it was very important that these boys should receive a good, sound education.

THE EARL OF CAMPERDOWN said, that as regarded the first entry of cadets into the Navy, the inference might be drawn from the statement of the noble and learned Lord that the admission was by open competition, but the system was really one of limited, not of open competition—twice as many boys were nominated as there were vacancies—and although he would admit that the examination was rather severe, yet it was found that no very large percentage failed owing to the severity of the examination. He should state that the training school of the naval cadets on board the *Britannia* was quite distinct from the Naval College. At one time there had been a difficulty about the examination of naval officers; but under the system now in force, the office of Director General of Naval Education had been abolished, and the officers connected with the Naval College had charge of the examination; so that the whole of the officers' education was conducted on a system which had not hitherto prevailed, and the question of what the subjects for examination should be might therefore well be considered. He certainly did not object

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to the appointment of a Committee. There were several questions which would arise—as, whether Dartmouth, a place on the South Coast, and with a relaxing air was the best place in point of health; next, was it desirable that the education of cadets should be conducted on board ship and not in a college on shore? Different opinions were entertained by many officers whose opinions were entitled to consideration on this point; but, although the desirability of making a change in this respect had been fully established, the chief difficulty heretofore had been in finding a place suitable for the purpose. He would therefore express the hope that the Committee, while considering the general question, would also direct their attention to this point.

LORD HAMPTON said, no doubt their Lordships would feel that the reply of the noble Lord on the part of the Government to his noble and learned Friend (Lord Chelmsford) was most satisfactory; but there was one point of the greatest importance which had been presented by the noble Earl (The Earl of Camperdown) in a new aspect—it was one of the greatest interest if they wished to bring up these boys in full mental and physical vigour. If these young men were to be brought up in a training ship it was most essential to decide where that training ship ought to be. Now, he would not hesitate to say that of all the places to be found along our coasts the very worst situation for a training ship was the port of Dartmouth, for, although it was one of the most beautiful as regarded its scenery, it was, at the same time, one of the most relaxing as regarded climate. In saying those few words he entirely concurred in what had fallen from the noble Earl opposite, and would express the hope that the Committee which had been so properly appointed by the Admiralty would consider not only the subject of the instruction of naval cadets, but the locality in which it was to be conducted.

EARL FORTESCUE said, he was of opinion that Dartmouth was not so relaxing as had been described, for there was a perpetual current up and down the harbour, and the facilities for boating there were also very great. However, he perhaps had a county prejudice on the subject. He fully admitted the disadvantageous results from overtaxing

the brain at an early age. Masters of schools deprecated their pupils entering for valuable scholarships at a period of life when their mental powers would be deteriorated by over-study; and in the case of the Navy nothing could be more undesirable than that there should be what the noble and learned Lord (Lord Chelmsford) had well described as a shattering of the nerves of the cadets arising from exertions pursued under the very strongest and most laudable motives. He congratulated their Lordships and the country on the wise and judicious course which had been adopted by Her Majesty's Government on this subject.

Motion agreed to.

GLEBE LANDS SALE BILL—(No. 136.)

(*The Lord Bishop of Carlisle.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF CARLISLE, in moving that the Bill be now read the second time, explained that he had introduced it on behalf of the Governors of the Queen Anne's Bounty Board. It might be thought, from the title of the Bill, that it was a measure to authorize the sale of glebe lands, and that no such power at present existed. The power, however, did exist, and was already so wide that it required to be modified rather than extended. The present was, in fact, a restrictive Bill, and, if it became law, the effect would be, not that a greater number of glebes would be sold, but that the money would be applied in a manner more conducive to the good of the Church than could be done under the existing Acts. A beneficial change had come over Queen Anne's Bounty Board in the mode of dealing with applications to sell glebe land acquired through the Board, as would be shown by a comparison of two quinquennial periods. During the period from 1864 to 1869, 159 applications for leave to sell were made to the Board, of which 150 were approved, 8 were postponed, and only 1 was refused. On the other hand during the years from 1869 to 1874, 239 applications for sales were received, of which only 97 were approved, 105 being refused and 37 postponed. These figures proved that at present the views of the Board were of

a Conservative character—and of these views he highly approved, for he thought that only under exceptional circumstances ought land to be parted with. No endowment was more certain to keep up its value than land, which was likely to go up while the purchasing power of gold went down. In fact, the present condition of things was this—a constant conflict was going on between incumbents who wished to sell their glebes and the Governors of Queen Anne's Bounty, who wished them to be retained; and, consequently, the Board never sanctioned the sale of glebe land unless a very high price was offered. Forty years' purchase was generally obtained, and, in his own diocese, even as much as 65 years' purchase had been obtained. Under these circumstances, it was thought an arrangement might be come to, by which, to a certain extent, the claim of the incumbent to sell, and the claim of the Board to preserve the glebe land, might be met; and he had accordingly introduced this Bill under the sanction of the Board. The principle of the Bill was contained in the 10th and 11th clauses. By the 10th clause it was competent for the Governors, by arrangement between them and the incumbent, to retain a portion of the annual income to be derived from the investment of the purchase money. This portion so retained would accumulate as an addition to the capital for the permanent increment of the living, and the residue would be paid to the incumbent. He had been instructed by the Committee of the Board to ask the highest authority, whether there was anything objectionable in principle in such a proposal. The Lord Chancellor was good enough to say that he saw nothing objectionable in the principle itself; but that he reserved his opinion as to the clauses and the working of the Bill until it was laid upon their Lordships' Table. What, then, would be the working of the measure? He would suppose the case of an incumbent having glebe land which brought him in £80 per annum, and which was sold at 40 years' purchase. The purchase money having been invested in the Funds at 93, brought in £100 per annum. He would now explain how it was proposed to deal with the extra £20. Ten pounds would go to the incumbent as the increased value of the living, and he would accordingly receive £90, instead of £80; and the

remaining £10 would be invested at compound interest. The 11th clause provided that every 10 years the incumbent might apply to the Bishop to recommend the Governors to pay to him (the incumbent) the whole or any increased proportion of the annual income of the original fund and of the accumulations. At the end of every 10 years, therefore, the incumbent would have a rise of income. The result would be that, at the end of 40 years, the possessor of the living would have exactly the sum he would have had if the whole of the profit had, in the first instance, been given to the incumbent. Carrying the calculation out to the end of 100 years—which, though a long time in the life of a man, was not a long time in the life of a living—the result would be that the income, instead of £80 a-year, would be no less than £130, minus only 10s. If that principle commended itself to their Lordships' minds, they would have no difficulty in giving this Bill a second reading. The Bill contained a clause specially guarding against any interference with the powers of the Ecclesiastical Commissioners; nor did it make it obligatory on the incumbent to sell—it simply enabled the Board to carry out any voluntary arrangement he might enter into with it. It might be said that, at this period of the Session, a Bill of this kind could not pass through that and the other House of Parliament. Now, he was by no means desirous of having hasty legislation on the subject; he only asked their Lordships to give the Bill fair consideration on its merits. The question of what should be done with it afterwards would depend on other considerations.

Moved, "That the Bill be now read 2^a."
—(The Lord Bishop of Carlisle.)

THE LORD CHANCELLOR said, he had been asked his opinion before the introduction of the Bill as to the accumulation of the proceeds of sales of glebe lands, and he stated that it was always open to Parliament, if there was any sufficient object, to depart from the strict rule and permit accumulation; but he certainly did not express any opinion in favour of the arrangements of this Bill. He thought nothing could be more injurious to the interests of the Church than the severing of the connection between the Church and the land

to any great extent. Now, he doubted very much whether the existing powers for authorizing the sale of certain parts of glebe lands were not already too ample. There was a great tendency on the part of clergymen to seek for powers to sell portions of the glebe lands for the purpose of augmenting their income. The tendency was not, perhaps, unnatural, but it required to be watched and guarded—certainly it ought not to be encouraged. This Bill was, however, calculated to promote that tendency by inviting incumbents to bargain with the Board in relation to the sale of their glebes; and, so far as it tended to enlarge the existing powers, he should be sorry to give his assent to it. The right rev. Prelate said that the pith and marrow of the Bill lay in the 10th and 11th sections, but these contemplated an operation that required the aid of an actuary to explain what its effects would be. He doubted whether it would be a desirable thing to invite sales under these particular clauses. One effect would be that a Bishop's time would be very much occupied with numbers of applications—which might be made every 10 years—for augmentation of the benefice; and there was also an appeal if he refused to sanction the increase. He could not understand on what principle a bargain should be made with an incumbent for the sale of any portion of his glebe lands not for the purpose of increasing the living of the existing incumbent, but of making up a surplus for his successor. The consequence would be that the chance of obtaining an additional £10 a-year would operate as an inducement to an incumbent to turn the glebe land into money. The less bargaining there was of this kind the better. It was better it should go forth at once that Parliament was not going to encourage clergymen in any wholesale conversion of their land into money. He did not mean to say there might not be exceptional cases in which it might not be done; but the less clergymen turned their minds to the question of selling glebe lands, the better would it be for the interest of the Church.

VISCOUNT PORTMAN said, he was prepared to move that the Bill be read a second time that day three months, because he thought it better that the issue should be raised at once. The

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Bill would stimulate the clergy to do that which he believed it would be a bad thing to do—namely, to sell the glebe lands of the country; and in his judgment no proceeding could be worse. He should be more pleased to support a Bill repealing the existing powers of sale than to support one to enlarge them and encourage sales. Mr. Pitt—by whose maxims they had lately been told they were to be governed—objected to the sale of glebe land, because he held that we ought on no account to separate the clergy from the land. If the right rev. Prelate were prepared to carry out his opinions to the fullest extent, he supposed they would carry him as far as the sale of the land of the Bishops; and, indeed, the principle would apply to their Lordships' lands as much as to those of the clergy. Under the present law the proceeds of a sale went to improve the income of the incumbent, but the right rev. Prelate proposed to "keep back" part of the price, the property of the minister, in order to benefit his successor. Such a scheme to come from a Bishop he had never expected. The Bill would take away part of the property of the present incumbent, of the succeeding incumbent, and of the owner of the advowson, to be managed by the Bishop of the diocese. It would be a retrogressive step, which he believed would be most objectionable. He had acquiesced silently in the proposal to trust the discretion of the Bishops in another measure of a different character; but he could not admit of their discretion in meddling with the temporalities of the clergy.

An Amendment moved to leave out ("now") and add at the end of the Motion ("this day three months.")—(*Viscount Portman*).

THE BISHOP OF WINCHESTER said, that if the Bill would encourage the sale of glebe land he would oppose it; but he believed it would have a deterring influence, because it would not give the present incumbent the immediate benefit of the prospective increase in the value of the land, but would rightly reserve a portion of that growing value so as to prevent the deterioration of the living. If a living of £100 would be worth £130 in 100 years, it would be unfair to discount the future increased value for the

present incumbent, and leave the living worth only £100 a hundred years hence. The present incumbent would get more than he could get now, but he should not be allowed to make matters worse for his successors. Therefore, no undue encouragement was given to sales of glebe, and there was no keeping back part of the price in the sense implied by the noble Earl.

LORD SELBORNE should regret if a division were taken upon the Bill, because it was evident that the majority of their Lordships would prefer that the matter should be further considered. The Bill must have the effect of, in some way, increasing the powers of the Queen Anne's Bounty Board, because it provided that all the powers they now possessed should remain in full force. It would be observed, also, that the provisions of the Bill were not to come into operation except where the Governors of Queen Anne's Bounty and the incumbent consented; so that in practice the Board would have the fullest discretion in applying the Act. If the powers of the Ecclesiastical Commissioners and of the Bounty Board, in the cases to which this Bill would apply, were at present concurrent, he did not see why it should be proposed to give a new power to exact special terms to the Bounty Board only, and not also to the Ecclesiastical Commissioners; especially if, as he understood the proposal, such power would be applicable to all benefices, whether aided by Queen Anne's Bounty or not. He doubted very much whether it would be well to hold out any inducement to sell for special terms in cases not otherwise desirable, and the whole question of entrusting powers of this kind to two co-ordinate and independent public Boards, instead of one only, seemed to require consideration.

THE EARL OF HARROWBY supported the Bill, and contended that it involved neither danger to the Church nor injustice to the incumbents.

LORD EGERTON of TATTON also approved of the principle of the Bill, but recommended its withdrawal for the present.

THE BISHOP OF CARLISLE said, that after what had passed he should not press the Motion for the second reading, and would withdraw the Bill.

Amendment, and original Motion and Bill (by leave of the House), *withdrawn*.

remaining £10 would be invested at compound interest. The 11th clause provided that every 10 years the incumbent might apply to the Bishop to recommend the Governors to pay to him (the incumbent) the whole or any increased proportion of the annual income of the original fund and of the accumulations. At the end of every 10 years, therefore, the incumbent would have a rise of income. The result would be that, at the end of 40 years, the possessor of the living would have exactly the sum he would have had if the whole of the profit had, in the first instance, been given to the incumbent. Carrying the calculation out to the end of 100 years—which, though a long time in the life of a man, was not a long time in the life of a living—the result would be that the income, instead of £80 a-year, would be no less than £130, minus only 10s. If that principle commended itself to their Lordships' minds, they would have no difficulty in giving this Bill a second reading. The Bill contained a clause specially guarding against any interference with the powers of the Ecclesiastical Commissioners; nor did it make it obligatory on the incumbent to sell—it simply enabled the Board to carry out any voluntary arrangement he might enter into with it. It might be said that, at this period of the Session, a Bill of this kind could not pass through that and the other House of Parliament. Now, he was by no means desirous of having hasty legislation on the subject; he only asked their Lordships to give the Bill fair consideration on its merits. The question of what should be done with it afterwards would depend on other considerations.

Moved, "That the Bill be now read 2^d."
—(The Lord Bishop of Carlisle.)

THE LORD CHANCELLOR said, he had been asked his opinion before the introduction of the Bill as to the accumulation of the proceeds of sales of glebe lands, and he stated that it was always open to Parliament, if there was any sufficient object, to depart from the strict rule and permit accumulation; but he certainly did not express any opinion in favour of the arrangements of this Bill. He thought nothing could be more injurious to the interests of the Church than the severing of the connection between the Church and the land

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to any great extent. Now, he doubted very much whether the existing powers for authorizing the sale of certain parts of glebe lands were not already too ample. There was a great tendency on the part of clergymen to seek for powers to sell portions of the glebe lands for the purpose of augmenting their income. The tendency was not, perhaps, unnatural, but it required to be watched and guarded—certainly it ought not to be encouraged. This Bill was, however, calculated to promote that tendency by inviting incumbents to bargain with the Board in relation to the sale of their glebes; and, so far as it tended to enlarge the existing powers, he should be sorry to give his assent to it. The right rev. Prelate said that the pith and marrow of the Bill lay in the 10th and 11th sections, but these contemplated an operation that required the aid of an actuary to explain what its effects would be. He doubted whether it would be a desirable thing to invite sales under these particular clauses. One effect would be that a Bishop's time would be very much occupied with numbers of applications—which might be made every 10 years—for augmentation of the benefice; and there was also an appeal if he refused to sanction the increase. He could not understand on what principle a bargain should be made with an incumbent for the sale of any portion of his glebe lands not for the purpose of increasing the living of the existing incumbent, but of making up a surplus for his successor. The consequence would be that the chance of obtaining an additional £10 a-year would operate as an inducement to an incumbent to turn the glebe land into money. The less bargaining there was of this kind the better. It was better it should go forth at once that Parliament was not going to encourage clergymen in any wholesale conversion of their land into money. He did not mean to say there might not be exceptional cases in which it might not be done; but the less clergymen turned their minds to the question of selling glebe lands, the better would it be for the interest of the Church.

VISCOUNT PORTMAN said, he was prepared to move that the Bill be read a second time that day three months, because he thought it better that the issue should be raised at once. The

Bill would stimulate the clergy to do that which he believed it would be a bad thing to do—namely, to sell the glebe lands of the country; and in his judgment no proceeding could be worse. He should be more pleased to support a Bill repealing the existing powers of sale than to support one to enlarge them and encourage sales. Mr. Pitt—by whose maxims they had lately been told they were to be governed—objected to the sale of glebe land, because he held that we ought on no account to separate the clergy from the land. If the right rev. Prelate were prepared to carry out his opinions to the fullest extent, he supposed they would carry him as far as the sale of the land of the Bishops; and, indeed, the principle would apply to their Lordships' lands as much as to those of the clergy. Under the present law the proceeds of a sale went to improve the income of the incumbent, but the right rev. Prelate proposed to "keep back" part of the price, the property of the minister, in order to benefit his successor. Such a scheme to come from a Bishop he had never expected. The Bill would take away part of the property of the present incumbent, of the succeeding incumbent, and of the owner of the advowson, to be managed by the Bishop of the diocese. It would be a retrogressive step, which he believed would be most objectionable. He had acquiesced silently in the proposal to trust the discretion of the Bishops in another measure of a different character; but he could not admit of their discretion in meddling with the temporalities of the clergy.

An Amendment moved to leave out ("now") and add at the end of the Motion ("this day three months.")—(*Viscount Portman*).

THE BISHOP OF WINCHESTER said, that if the Bill would encourage the sale of glebe land he would oppose it; but he believed it would have a deterring influence, because it would not give the present incumbent the immediate benefit of the prospective increase in the value of the land, but would rightly reserve a portion of that growing value so as to prevent the deterioration of the living. If a living of £100 would be worth £130 in 100 years, it would be unfair to discount the future increased value for the

present incumbent, and leave the living worth only £100 a hundred years hence. The present incumbent would get more than he could get now, but he should not be allowed to make matters worse for his successors. Therefore, no undue encouragement was given to sales of glebe, and there was no keeping back part of the price in the sense implied by the noble Earl.

LORD SELBORNE should regret if a division were taken upon the Bill, because it was evident that the majority of their Lordships would prefer that the matter should be further considered. The Bill must have the effect of, in some way, increasing the powers of the Queen Anne's Bounty Board, because it provided that all the powers they now possessed should remain in full force. It would be observed, also, that the provisions of the Bill were not to come into operation except where the Governors of Queen Anne's Bounty and the incumbent consented; so that in practice the Board would have the fullest discretion in applying the Act. If the powers of the Ecclesiastical Commissioners and of the Bounty Board, in the cases to which this Bill would apply, were at present concurrent, he did not see why it should be proposed to give a new power to exact special terms to the Bounty Board only, and not also to the Ecclesiastical Commissioners; especially if, as he understood the proposal, such power would be applicable to all benefices, whether aided by Queen Anne's Bounty or not. He doubted very much whether it would be well to hold out any inducement to sell for special terms in cases not otherwise desirable, and the whole question of entrusting powers of this kind to two co-ordinate and independent public Boards, instead of one only, seemed to require consideration.

THE EARL OF HARROWBY supported the Bill, and contended that it involved neither danger to the Church nor injustice to the incumbents.

LORD EGERTON of TATTON also approved of the principle of the Bill, but recommended its withdrawal for the present.

THE BISHOP OF CARLISLE said, that after what had passed he should not press the Motion for the second reading, and would withdraw the Bill.

Amendment, and original Motion and Bill (by leave of the House), *withdrawn*.

BUILDING SOCIETIES BILL—(No. 127.)
(*The Earl of Harrowby.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF HARROWBY, in moving that the Bill be now read the second time, said, that it was a measure for the purpose of carrying out the recommendations of a Royal Commission. The result of the inquiries of that Commission was to recommend certain improvements in the present state of the law, more especially with a view to protect the poorer classes, whose credulity was often abused by the manner in which the powers of these societies were exercised. The Bill consolidated all the Acts relating to the subject.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Thursday* next.

AGRICULTURAL TENANTS IMPROVEMENTS
BILL [H.L.]

A Bill for providing for Agricultural Tenants in Great Britain compensation for improvements made by them on their holdings in certain cases—Was presented by The Lord MELDRUM; read 1^a. (No. 149.)

House adjourned at Eight o'clock, 'till
To-morrow Eleven o'clock.

HOUSE OF COMMONS,

Monday, 6th July, 1874.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Royal Irish Constabulary and Dublin Metropolitan Police* [196].

First Reading—Local Government Board's Provisional Orders Confirmation (No. 4)* [194].

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Considered as amended—Hertford College, Oxford* [103].

Third Reading—Chain Cables and Anchors* [184]; Rating* [180], and passed.

METROPOLIS—VICTORIA PARK
BATHING ACCOMMODATION.

QUESTION.

MR. RITCHIE asked the First Commissioner of Works, Whether any plan has been approved by him for carrying out the objects of the deputation which lately waited upon him to ask for the extension of the facilities for bathing in Victoria Park to the evening?

LORD HENRY LENNOX: Sir, a deputation waited on me, which was a very influential one. It comprised the Chairman and Deputy Chairman of the School Board, as well as the hon. Members for that district. They represented the urgent need which exists of an extension of the hours of bathing in Victoria Park, and instanced the fact that in the neighbourhood there were over 30,000 boys at school who were unable to bathe at the hours now allowed in the morning. Seeing that the privilege they asked is already allowed in the Serpentine, I visited the Park and found that the obstacles to this concession were not serious. I have, therefore, sanctioned arrangements as an experiment, by which bathing will on *Thursday* next up to the 30th of September be allowed in the large lake for the hour immediately preceding that which is fixed for the closing of the Park.

LEGISLATION—THE INCLOSURE BILL.

QUESTION.

SIR CHARLES W. DILKE asked the Secretary of State for the Home Department, Whether, looking to the fact that it would seem to be impossible to carry the Inclosure Bill this year, he will consent to discharge the Order for the Second Reading of that measure?

MR. ASSHETON CROSS, in reply, said, the matter required discussion, and therefore at that period of the Session, it must stand over.

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OFFICES.—QUESTION.

MR. GOLDSMID asked the First Commissioner of Works, Whether he proposes to purchase the block of buildings between the new Home and Colonial Offices in Parliament Street and St. Margaret's Square?

LORD HENRY LENNOX: Sir, the subject of improved accommodation for the War Office and other Departments is now under consideration of the Government, and of course it would be premature to say whether those arrangements will include the purchase of the block of buildings to which the hon. Member's Question refers.

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QUESTION.

MR. GOLDSMID asked the First Commissioner of Works, Whether he has now come to any decision with regard to the new roadway from Hamilton Place to Grosvenor Place?

LORD HENRY LENNOX: Sir, whatever decision I have formed, the plan is not yet matured sufficiently to enable me to submit it for the sanction of Parliament.

**MERCHANT SHIPPING SURVEY BILL—
AN UNSEAWORTHY SHIP.**

QUESTION.

MR. BATES asked the honourable Member for Pembroke, If he can now give the name of the ship, with her net register tonnage, that was about to sail for China, whose uppermost deck was several inches amidships below the water?

MR. E. J. REED in reply, said, that he had taken pains to trace the name of the vessel, and having ascertained it, he had communicated it to his hon. Friend the Member for Hull (Mr. Norwood) some days ago. He had no personal information as to her tonnage, but he had learnt from his hon. Friend that she was only about 100 tons gross register, and loaded with fuel. That she was about to proceed for China, and was in the condition he had described, he had no doubt.

MR. BATES wished to know the name and the net register tonnage of the vessel?

MR. E. J. REED explained that it was only his desire to avoid embroiling himself with the owners that had made him hesitate to give the steamer's name. If the House desired it, however, he should have no hesitation in giving her name. The vessel was the *Fuh Li*; but her register tonnage gave no sufficient idea of her size.

**UNITED STATES—CUSTOM-HOUSE
RULES.—QUESTION.**

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, Whether any complaint has reached the Foreign Office of great hardships and losses inflicted on British subjects in America through a Custom House rule that any error in an invoice forfeits the whole amount of that invoice, being of late held to apply to even the smallest clerical errors without fraudulent intent; and, whether any representations have been made by Her Majesty's Government on the subject?

MR. BOURKE: No complaint, Sir, of the nature alluded to by the hon. Member has reached the Foreign Office. After the Question of the hon. Member, however, Her Majesty's Government will consider it to be their duty to make inquiries upon the subject.

**OUTBREAK OF SMALL-POX AT
GLOUCESTER.—QUESTION.**

COLONEL KINGSCOTE asked the President of the Local Government Board, Whether his attention has been called to a serious outbreak of small-pox in the city of Gloucester, and where, owing to the total want of hospital accommodation there, persons infected with the disease are permitted to leave that city for the neighbouring towns and villages, thereby spreading infection; and, whether he will call upon the local authorities to take immediate steps to remedy the same?

MR. SCLATER-BOOTH: My attention, Sir, has not been called, except by the Question of the hon. and gallant Member, to any recent outbreak of small-pox at Gloucester. In the month of January last, the Local Government Board were informed by their Inspector that there were nine small-pox cases in the infectious wards of the workhouse, when steps were immediately taken to advise the Guardians as to their duty, and the Town Council were also called upon to provide hospital accommodation. This they professed themselves willing to do in concert with neighbouring sanitary authorities, whose jurisdiction comprises the suburbs of Gloucester, but difficulties seem to have occurred which, it is hoped, will be removed by a private Bill now passing through Parliament.

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At the close of the Correspondence, which was in February last, the Local Government Board were informed that the disease was on the decrease.

MERCHANT SHIPPING ACTS—UNSEAWORTHY SHIPS—THE "PARGA" AND THE "WESTERN OCEAN."

QUESTION.

MR. HAMOND asked the President of the Board of Trade, Whether it is a fact that his Department detained the "*Parga*" and the "*Western Ocean*" for survey as unseaworthy ships, and that they were both afterwards released, and compensation paid to the owners for detention; and, whether he has heard that both ships have since disappeared, with their entire crews, and, if so, what steps will be taken to obtain from the owners repayment of the compensation so paid?

SIR CHARLES ADDERLEY: Sir, the Board of Trade did detain the *Parga* and the *Western Ocean* for survey as unseaworthy ships. The *Parga* was released, on appeal by the owner, from the Board of Trade by order of the City of London Court, on the report of three surveyors appointed by that Court, not Board of Trade Surveyors. The *Western Ocean* was released by the Board of Trade on report from their own surveyor that so far as he could see, without having the vessel opened out, she was in fair condition and fit to proceed to sea on her voyage. Compensation was paid for the *Parga* of £1,250. The *Western Ocean* claimed £2,500, and accepted £600. The Board of Trade have since received a report from Lloyd's that both vessels have disappeared, with all hands—may be by collision—but the cause not known. It was the intention of the Board to institute inquiries as to the possibility of recovering back the sums which had been paid to the owners as compensation.

IRELAND—VACCINATION.—QUESTION.

MR. MELDON asked the Chief Secretary for Ireland, If it is a fact that in England the expense of obtaining vaccine lymph for the purposes of compulsory vaccination is defrayed by the State, whereas in Ireland Poor Law Unions and Dispensary districts must contribute to the cost; if there is any reason why the

Mr. Sclater-Booth

same facilities for obtaining lymph as existed prior to August 1871 should not be accorded to medical practitioners in Ireland; and, if any objections exist why Ireland should not be placed on the same footing as England in respect to the gratuitous supply of vaccine lymph, either by supplying the same from London, or by increasing the grant to the Dublin Cow Pock Institution, so as to enable it to supply vaccine lymph, which is now charged for, to be given gratuitously?

SIR MICHAEL HICKS-BEACH: Sir, in England a gratuitous supply of vaccine lymph is provided by the State for those who choose to avail themselves of it, whereas in Ireland subscriptions of one guinea a-year are paid by the various Unions to the Dublin Cow Pock Institution for whatever supply of lymph they may require. This Institution is also supported by other subscriptions, by money received for the sale of lymph, and by a Government Grant of £400 a-year. As a matter of fact, however, I am informed that the bulk of the public vaccinators in Ireland prefer storing and using their own lymph to any supply from London or Dublin, whether gratuitous or paid for. In order to ensure a gratuitous supply of lymph in Ireland as in England, it would require that the present grant of £400 a-year should at least be doubled; and whether that sum can be given is a question more for the decision of the Treasury than for myself. But, if such an arrangement were made, I think the management of the matter should be intrusted, as in England, to the Local Government Board, rather than to the Dublin Cow Pock Institution, which is in the nature of a private Institution.

COURTS OF JUSTICE, WALES—WELSH INTERPRETERS.—QUESTION.

MR. SCOURFIELD asked the Secretary of State for the Home Department, If he would direct inquiries to be made if any improvement can be effected in the means of securing competent interpreters in the different Courts of Justice in Wales where the Welsh language is generally spoken?

MR. ASSHETON CROSS, in reply, said, he would communicate with the County Court Judges on the subject.

IRELAND—PAY OF THE CONSTABULARY.—QUESTION.

MR. COLLINS asked the Chief Secretary for Ireland, When he proposes to bring in the Bill relating to the pay of the Royal Irish Constabulary to continue the provisions of the Act of 1873; and, whether, before the introduction of such a Bill, he will take into consideration the claims of the officers, with the view to embody in it a clause regulating their pensions on the scale of pay existing at the time of their retirement from the force?

SIR MICHAEL HICKS-BEACH, in reply, said, a Notice stood on the Paper for the introduction of the Bill referred to that evening. He hoped it would contain a clause relating to pensions.

THE DUTCH WAR IN ATCHIN.
QUESTION.

MR. BECKETT-DENISON asked the Under Secretary of State for Foreign Affairs, If he will lay upon the Table of the House a Copy of the Correspondence received from the Governor of Singapore as to the war between the Dutch and the Sultan of Atchin, and of Correspondence with the Government of the Hague relative thereto; and, if it is the intention of Her Majesty's Government to offer their mediation with a view to terminate the war?

MR. BOURKE: I learn, Sir, from the Colonial Office that there has been no Correspondence received from the Governor of Singapore which could usefully be communicated to the House. No Correspondence has passed with the Government of the Hague. No application for good offices having been received from either side, the question of mediation has not been entertained.

IRELAND—
BOARD OF NATIONAL EDUCATION—
LIMERICK MODEL SCHOOL.
QUESTION.

MR. VERNER asked the Chief Secretary for Ireland, If his attention has been given to the action of the Roman Catholic priesthood towards the model school at Limerick; and, if so, if he will be good enough to say whether the

schools to which the Roman Catholic children have been sent, after withdrawal from the model school, receive grants of any kind from the Board of National Education?

SIR MICHAEL HICKS-BEACH, in reply, said, his attention had been called to the case, and he found that on the 18th of April last the National Board of Education had received a letter from the District Inspector, stating that the Rev. D. Fitzgerald, a Roman Catholic clergyman, had on the 16th of the same month visited the Limerick Model School, inspected the school register, as he was, as a visitor, at liberty to do, and taken with him copies of entries in those books having reference to the addresses of the Roman Catholic pupils' parents, which the rev. gentleman should not have done. It further happened that the master in charge was only *locum tenens*, and was not conversant with the regulations affecting the privileges of visitors. No further notice had been taken of the matter, until an article appeared in one of the Dublin newspapers: and, in reply to the second part of the Question of the hon. Member, he had to state that he found the number of Roman Catholic pupils in the Limerick Model School was but six less than in the corresponding week of last year; so that the action of the clergyman in question had certainly not interfered with the working of that school. The schools to which the children had been removed, or were said to have gone—the Roman Catholic Seminary and the Monks' School—were not in any way connected with the National Board.

CHURCH PATRONAGE (SCOTLAND)

BILL—[Lords]—[BILL 159.]

SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE, in moving that the Bill be now read the second time, said: This Bill refers to a subject which has greatly interested the people of Scotland for a long time. Church patronage has been the cause of much contention, and also the cause of many secessions from the Church of Scotland, and I think that men of different political opinions have now arrived at the conclusion that it is expedient there should be some legislation with regard to the matter. Opposition may be expected to the Bill

from one quarter. I refer to those who are opposed to Church establishments in general, and to the Church establishment in Scotland in particular. But I do not propose to go into that question at present, because the question of the disestablishment of the Churches of England and of Scotland was discussed last year; the result of the hon. Member for Bradford's (Mr. Miall's) Motion being that his proposal for the disestablishment of the Churches of England and Scotland was rejected by 356 to 61. I consider, therefore, that the late House of Commons was clearly opposed to any attempt to disestablish either of these Churches, and I think any question which is raised on the present occasion in hostility to the Bill, founded on the ground of disestablishment, is not likely to be more favourably considered in the present House of Commons. Although the House is composed of so many members of the Church of England and other Churches, I cannot suppose they will dispose of this Bill without having due regard to the interests of the Church of Scotland. I cannot use better words than those of Sir James Graham, who said in 1843:—

"I think that in discussing this question in the British Parliament we are bound to regard it with peculiar care. We must look at it, not with English feelings, nor with the prejudices of Englishmen, but we are bound to regard it upon the principles of the Union, and to try and settle the question upon Presbyterian principles, as established by the Act of 1690, the Act of Union, and subsequent statutes."—[3 *Hansard*, lvii. 379.]

I shall very briefly explain this question of Church patronage in Scotland, and I think it will be found that the law in that country differs in many respects from the law of patronage in England; and also that the constitution or Church government and mode of worship in the Churches of the two countries are essentially different; and, therefore, that the same principles will not apply to both countries. In the case of Scotland, we have a system of Church government which is founded upon election—election by bodies composed of clergymen and laymen. First, you have the kirk-session, which is composed of the minister of each parish and certain laymen associated with him. Then there is the provincial court, called the Presbytery, where each minister of the parish attends along with one of the elders. Then there is the

Synod, composed of representatives from the Presbyteries of a large district; and finally there is the General Assembly, composed of about equal numbers of laymen and clergymen—the laymen being elected by the Presbyteries, the Universities, and the Royal Burghs, it being necessary in each case that the person elected should be an elder of the Church. Then, there is a marked distinction between the services or mode of worship of the two countries; for the Liturgy, which prevails in England, does not prevail in Scotland. In Scotland we have ministers performing extemporaneous services throughout, so that there is really more necessity to depend upon the qualifications—the personal qualifications—of the clergymen in Scotland than there is in England, where the ministers have such assistance from the Liturgy. When the change of religion took place in 1560 from Roman Catholicism to Protestantism, there were about 940 benefices in Scotland, only 262 of which belonged to lay patrons. The rest were at the disposal of the Church. The Protestants constituted themselves into a Church, and their First Book of Discipline, which, though never ratified by Parliament, was subscribed by a majority of the members of the Privy Council, and approved by the earlier General Assemblies, thus lays down the principle on which the appointment of ministers should proceed:—

"It appertaineth to the people and to every several congregation to elect their minister. This liberty with all care must be reserved to every several church, to have their votes and suffrages in the election of their ministers."

To the same effect was the direction in the "Book of Common Order," which had been used in Knox's congregation in Geneva, and was received and approved of by the Church of Scotland:—

"The ministers and elders, at such time as there wanteth a minister, assemble the whole congregation, exhorting them to advise and consider who may best serve in that room and office."

In 1567 the new Church was recognized by the State, and the Act passed with this object provided—

"that the examination and admission of ministers within this realme be only in the power of the Kirk now openlie and publickly professed the samin, the presentation of laick patronages alwaies reserved to the just and auncient patrons."

The Lord Advocate

This applied only to lay patronages, numbering no more than 260 at that time. And again—

“that if the Presbytery refuse to receive the person presented, the patron may appeal to the members of the province where the benefice lies, and desire the person presented to be admitted, quhilk if they refuse, it shall be lawful to appeal to the General Assemblies of this haill realm by quhome the cause be and decyded sall take end, as they decern and declair.”

Matters remained in rather a disturbed state until 1592, when the Presbyterian Church was expressly recognized by an Act confirming the Confession of Faith, and making it the established religion. King James had dealt with the property of the Church by granting out large tracts, and connected with those tracts of property, patronages which had been held by the Church, to persons who were ennobled, and who became what is called the lay appropriators of these Church lands and patronages. This Act—

“ordainis all presentations to benefices to be direct to the particular presbyteries in all time cumming, with full power to give collation thereupon; and to put ordour to all matters and causes ecclesiasticall within their boundes, according to the discipline of the Kirk: Providing the foresaids Presbyteries be bound and astricted to receive and admit quhatsumever qualified minister presented by His Majesty or laick patrones.”

This last provision in the case of lay patronages interfered with that popular election which had previously received effect. A few years afterwards, the Church was declared to be Episcopalian, and so it remained till 1638. In 1642 King Charles intimated that if six names were submitted to him when a presentation had to be made he would select one from them. The names were chosen by the people, under the guidance of the Church, and the number was at a later date reduced to three. In 1649 patronage was abolished by Act of Parliament, and as a compensation to the patrons they were allowed annually to draw the surplus funds remaining after the payment of the stipends allowed to the acting ministers. It was declared the ministers were to be settled by the General Assembly, who were appointed to frame rules for filling vacant parishes. This continued in force until 1660, when Charles II. was restored, and the Act of 1649 was repealed. I need not refer to the unfortunate proceedings—tending so much to alienate the people of Scotland from the people of England—which took place

when there was an attempt made to force upon the people of Scotland the Episcopalian form of Church Government. In 1690 the Presbyterian form of government was again restored, and in fact the Act of 1592, the charter of Presbytery, was confirmed, with the exception of the clause providing that the Presbytery should be bound and astricted to accept qualified ministers, which was reserved for future consideration. The clause in the Act of 1592 which restricted the acceptance of the qualified minister, was in the words already quoted. As I have said, this clause was excepted and not confirmed in 1690, and, further, an Act was passed in the same year by which it was affirmed that rights of patronage had been greatly abused and should be abolished; and it was declared that the heritors and elders should be allowed to name and propose a person for the whole congregation, to be approved or disapproved of by them. If disapproved, the disapprovers must give their reasons for such a decision. Patronage was therefore clearly abolished by this Act. It was not a mere transfer to the heritors and kirk-session. A contemporaneous writer, Mr. Willison, of Dundee, said, if the people expressed their repugnance to the minister proposed, that was considered sufficient to stop the further proceeding, and a new election had to take place. Under this Act, as well as under the Act of 1649, as already stated, the patrons received compensation. They received what was called the surplus teinds of each parish. That was a very valuable gift, because the system is this, that the clergyman is entitled to draw upon the teinds only to the extent of a competent stipend. This varies from time to time according to the cost of living to which the clergyman may be put, and according to the advance of civilization. At this time it is quite clear that the compensation which was given to patrons was a very valuable one. The result was that when this Act of 1690 was repealed the patrons got back patronage and still retained the compensation. This Act remained in operation until 1712, and then came the Act of Queen Anne. When the Treaty of Union was prosecuted, the people of Scotland were jealous, and apprehensive that, as their numbers were so small in comparison with the number

of the English members, the interests of their Church to which they were so much attached, might be injured by the result of legislation after the Union. Accordingly, in the Treaty for the Union, and in the Act of Parliament, called the Act of Security, which was preliminary to the Union, it was set forth that the Acts of 1690 should be ratified and confirmed. This was made an essential condition of the Treaty, and it was so embodied in the Act of the Legislature. The Scotch thought they had, at the time, sufficient stipulations for the security of their Church, but, unfortunately for the interests of Scotland, a Ministry came into power which thought it might take measures to bring back to the Throne the Stuart family; and one of their schemes was to make the Scotch dissatisfied with the Union, as not having secured the interests of their Church. In the Queen's Message of 1711, she expressed her hope that the General Assembly would go on in the same way of planting the churches with learned and pious ministers; and that nothing should be wanting to maintain them in their rights and privileges, as by law established. Before the next Assembly of the Church, in 1712, without any previous notice, a Bill was brought into this House on the 13th March, and carried on the 17th April. It was then sent up to the House of Lords, and very little time was given to the parties interested in it to make their appearance at the Bar of the House of Lords. The course of post at that time between London and Edinburgh was more than 10 days, and it took 12 days to travel to London. The representatives of the Church were unable to reach London until the beginning of April, and they were heard before the House of Lords on the 12th April, and on the same day the Bill was read a second time, was committed, reported, and read a third time, all in the same day—a degree of expedition which, I am afraid, we cannot imitate now. I am glad to say, six Bishops voted against the Bill, holding that it was not an act of justice to the Scotch' Establishment. Bishop Burnet, who had a seat in the House of Lords at the time, described it as a Bill “to weaken and undermine the Church of Scotland,” and such have been its results. Lord Macaulay, whose attention to this subject is a marked feature, said—

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“The British Legislature violated the Act of Union and made a change in the constitution of the Church of Scotland. From that change has flowed almost all the dissent now existing in Scotland. From the Act of 1712 undoubtedly flowed every secession and schism that has taken place in the Church of Scotland.”

It is with a view to redress that grievance on the part of the Scotch people, and to strengthen, as I undoubtedly think it will, the Church—which this House by its vote last year said should not be disestablished—that this Bill for the abolition of patronage has been introduced. I may state—because it shows in what danger the Act of Union between the two countries was—that the next year there was a proposal to repeal the Union made in the House of Lords, but it was rejected—the Members present being equal—by a majority of only four consisting of proxies. The first secession took place in 1733, and it was caused by the operations of the repeal of the Act of 1690, which was effected by Queen Anne's Act. In 1752 there was another large secession owing to the same cause, whilst in several individual parishes, when unpopular settlements took place, the result was that a Dissenting Church was set up in consequence of the dissatisfaction of the people with those who had been appointed as their ministers. Protests were annually entered by the Church against the Act of Queen Anne until 1784. In 1832 or 1833 a Motion on the subject was brought forward in this House by the late Sir George Sinclair; but the Motion was stopped by the ministers intimating that it could not proceed without the Queen's assent, which was withheld. In 1834 the General Assembly met, and considered the question, which they decided to deal with in this way—They resolved that no presentee, however well qualified, should be received into a Church, if he were objected to by a majority of the heads of families in communion with that Church. That was considered by the Assembly to be a sufficient bar to his collation. In 1839 a patron thought proper to challenge the right of the General Assembly in the matter, holding that as the provisions of the Act of 1592 were not abolished, that the Presbytery should be bound and astricted to admit any qualified person, and that the Act of 1690 was repealed by the Act of Queen Anne. The Court of Session decided against the Act of the

General Assembly, as being in contravention of the Act of Parliament, which dealt with a civil right. That decision of the Court of Session was confirmed by the House of Lords, and ultimately such unfortunate proceedings took place, and such differences arose upon points having reference to civil and religious rights, that a large number of parish ministers—I think 290—left the Church. A great many others remained only with the hope and expectation, held out by the Government of the day, that there would be some relief afforded. In accordance with that understanding, an Act which was called Lord Aberdeen's Act was introduced in 1843. That Act was of this character—it provided that representations might be made by the people to the Presbytery against the personal qualifications of the presentee, and also that the Presbytery might take into consideration the circumstances of the parish. That Act has been found to work in a very unsatisfactory manner, and the result has been this—when the people were unfavourably inclined to the presentee, they stated their objections to his appointment, which were often of a very painful character, having reference sometimes to the manner or other peculiarities of the person presented, the result being that if the presentee was unfortunately rejected, it damaged his prospects in life very considerably; and on the other hand, if he was admitted, the people did not receive him with that cordiality which should subsist between a minister and the members of his church. It has therefore been thought better to get rid of a system which gives rise to protracted and expensive litigation. Cases have occurred in which litigation lasted over 20 days, and great expense was thus occasioned. The opinion, therefore, was formed, that it would be better to get rid of patronage altogether; and accordingly, in 1868, the Assembly came to certain resolutions on the subject, to the effect that they would apply to Parliament for the purpose of relieving them from the difficulties in which they were placed. I may say that the Church are unanimously agreed on this subject. There was a majority at first, from time to time, but now they are substantially unanimous. We have not a case of a divided Church applying to Parliament. We have an undivided body agreed

on it. I may state, however, that the result of the experience of popular election in Scotland has tended materially to this opinion being formed by the Church. In the first place, there are about 200 new parishes constituted by the Church since 1843, with popular elections, and it has been found that the elections in those churches were conducted in a regular and orderly manner. In the next place, the Crown patronage, which consists of 320 churches, has been administered in accordance with the provisions of the Bill—that is to say, when a parish became vacant, generally an application was made—I may say, invariably made—to the Home Secretary, who has the administration of the patronage, that he would allow the communicants and members of the congregation to make recommendations, and if a general unanimity prevailed, the appointment was made in conformity with the wishes of the communicants and the congregation. Many private patrons have also administered their patronage on the same footing, and acted with the same generosity towards the members of the parish. There were, however, some cases in which the appointments were placed in the hands of private patrons which have not given satisfaction. The result has been that under Lord Aberdeen's Act we have had many of these cases which have been so unhappy. The Church has, then, come to be of opinion that it would be safe to have a change, and revert back to the original state of matters before the existence of the Union. In 1870 an application was made to the then Prime Minister, and a statement on behalf of the Church of Scotland submitted to him. A deputation, attended by 35 Scotch Members and several Peers, waited on him. On the 17th June, 1873, a Motion was made in each House of Parliament, asking the Ministers to take the matter into consideration with a view to legislation. The Motion in the House of Lords was made by a Peer (the Earl of Airlie), who had represented Her Majesty at two Assemblies—those of 1872 and 1873—and was supported by a former Commissioner named by the late Ministry (Lord Stair), and by other noble Lords upon the then Ministerial side connected with Scotland. The Duke of Richmond stated it was a question which should be disposed of without reference to party views, and in the

form of what was best for the interests of Scotland; and he hoped it would have the salutary result of effecting a union between all the Churches in Scotland. The Duke of Argyll, while expressing opinions favourable to the principle of the Motion said, as it did not embrace any practical plan for disposing of the matter, it would be better that the Motion should be withdrawn, and accordingly it was withdrawn. The same evening a similar Motion was made in this House by the hon. Member for Fife (Sir Robert Anstruther), and having been supported by some hon. Members on the then Ministerial side of the House, it was also suggested that the Motion should be withdrawn. It was proposed by the then Prime Minister, that there should be some investigation in continuation of the Report which was made with regard to patronage in 1834. Well, there has been a change of circumstances since then, and the present Ministry have come to the conclusion that a question which has been so long in agitation ought to be settled, and accordingly this Bill has been brought in. It appears before us under very favourable circumstances, and I wish those interested in Scotland to consider those favourable circumstances. Let hon. Members also remember how they would stand with their constituents in Scotland if they give a vote which will have the effect of throwing out this Bill. The measure has received the unanimous approval of the Established Church. It has received the assent of the Government for dealing with the patronage of the Crown, which was not the case in 1833, and which also in 1843 had been interposed as an obstacle to proceeding with a Bill. It has received the assent of the other branch of the Legislature, where it might have been thought it would have encountered great difficulties, because in that House there are large holders of Church patronage in Scotland. With a generosity and patriotism which do them the highest credit, they have interposed no obstacle to the passing of this Bill, while several have declared they will at once give up their patronage without any compensation. This is the happy combination of circumstances under which I call upon this House to deal with this question now. Who are the parties opposed to the Bill? Some are in favour of postponing it, and the Mo-

tion to be made by the right hon. Gentleman opposite (Mr. Baxter), is in a form which we lawyers should term of a dilatory character, and is not, I think, justified by any information which can be required in order to dispose of the Bill. The persons who are opposed to the measure are avowedly those opposed to establishment, and I think amongst those I may class the right hon. Gentleman (Mr. Baxter) himself. It is said that the United Presbyterian Church is opposed to the Bill, and that although they approve of the abolition of patronage generally, yet they would in this case refuse it, because it would tend to perpetuate the Establishment. Well, those who voted in favour of establishment last year will not, I think, find this any recommendation for refusing to vote for this Amendment this year. The Free Church people have not petitioned against the Bill. It is true that individuals and men of eminence have expressed opinions opposed to the measure; but the opposition to the Bill has not been supported by the General Assembly of the Free Church. A nobleman, who has great influence in that Church, who, I regret to say, is not in a good state of health at present (the Earl of Dalhousie) said, he would take no part in the Bill, either in opposing or supporting it; and when asked to present a Petition from Arbroath in favour of the Bill he declined to do so, partly because of the resolution he had made, and partly because it contained a proposition that ratepayers should be the electors—a mode of election he held to be quite inconsistent with the principles of the Churches of Scotland. I venture to say the Bill is popular in Scotland. It has turned out far more popular than I could have anticipated. There has been an attempt to create agitation against it, but it has wholly failed, and the single agitation which exists is purely the result of clerical bodies alone. The laymen of the Churches of Scotland, even those who belong to the non-Established Churches, are strongly in favour of the Bill, and Petitions have been presented to the House in favour of the Bill from them, as well as from members of the Establishment. The question arose before the town council of Glasgow, which may be regarded as an assembly containing not only members of the Establishment, but in greater numbers members of the Non-

conforming Churches. The object of the proposal in that body was to get the disapproval of the Bill, because it sought to take away their patronage without compensation; and secondly because it did not give the right of election to the ratepayers. Well, what was the result? Why, that 28 members voted they would not petition against the Bill, and only 12 members voted in support of the motion to oppose it. Now, that was what took place in an assembly which, it will be admitted, is well calculated to show what is the feeling of the laymen of Scotland in reference to this measure. In Edinburgh I see that there has been a meeting of the Presbytery of the United Presbyterian Body, which numbers 60 ministers and 60 elders, making a total of 120 members. There was some difficulty in getting up the meeting, and the result was that several members left before the vote was taken, and when the question was put there were only 16 on one side and 6 on the other—I mention that to show the disinclination of such a body to take any action against the Bill. I may also mention another interesting circumstance in connection with the matter—I received a letter from a parish well known in Ross-shire, where the patron is a Free Churchman, stating that he has signed a Petition in favour of the Bill, and that the elders have also signed a similar document, several of them being Free Churchmen. What has been the actual result of the great agitation against the Bill? It really amounts to this, that there have been 64 Petitions against the measure, signed by 4,694 persons; while 348 Petitions, signed by 48,000, have been sent in favour of it. That, I think, shows what is the feeling of the laity of Scotland on the subject. I make every allowance for those who are connected with other Churches. God forbid I should say anything to produce irritation. My great desire is to produce conciliation. Now, with regard to the Amendment, let me ask what are the further inquiries which are required? The right hon. Gentleman called for Returns; he has got them, and I think he will find that, with the exception of some parishes in the Highlands, those Returns show a very strong body of supporters of the Church of Scotland who are communicants. These communicants amount to 450,000, while the Parliamentary constituency of Scotland is not more than 260,000. Is it with a

view to obtain information of the nature of a religious Census? I can scarcely imagine such to be the object. The Established Church asked for a religious Census in 1871, but Lord Aberdare, then Home Secretary, while favourable to it, was obliged to refuse it, as he said he was inundated by memorials from United Presbyterians, and even from large numbers of the Free Church, solemnly protesting against the proposal. An Amendment was proposed in the House of Lords, sanctioning such a Census, by Lord Cairns, but it was opposed by the Ministers for the above reasons. Lord Cairns, when arguing for the rejection of the Amendment, said—

“He only hoped that when any question arose as to the number of adherents of various religious denominations in England, it would not be again suggested, as had been done on former occasions, that those who opposed this Census were able to number themselves by millions in this country.”—[3 *Hansard*, cciii. 1730.]

I am at a loss to know what facts are to be ascertained to prevent this House from legislating upon a matter so long before the public of Scotland, and which has been a subject of so much interest. I can see no object except to delay the Bill, and I pray the House to take care what they are about, because, as I have already said, we are standing in a most propitious position, having obtained the assent of the Crown to give up its patronage—having obtained the assent of the House of Lords, which contains so large a body of the patrons of Scotland. I believe it to be essential to get patronage out of the way in order to effect union between the other Churches. I trust that ultimately there may be only one great Church in Scotland. My motives would be misconstrued if I did not say that I desire this Bill should be passed, not only because of the benefit which may result to the Established Church, but also because I believe it will afford the basis of reconciliation between parties who are so much at one in doctrine and government, and that I think it would be of the utmost advantage to the entire Church of Scotland. I therefore beg to move the second reading of the Bill.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*The Lord Advocate*.)

MR. BAXTER in rising to move, as an Amendment—“That this House considers it inexpedient to legislate on

the subject of Patronage in the Church of Scotland, without further inquiry and information," said: I confess it was not without hesitation and reluctance that I placed the Amendment on the Notice Paper, interposing an obstacle with regard to a Bill, which from one point of view, may be regarded as a measure of an advanced Liberal character, and one that might be welcomed with satisfaction by hon. Gentlemen on the Liberal side of the House, especially as emanating from a Conservative Government; and no doubt it is eminently satisfactory to the Liberal party in Scotland to find the great Conservative party in this House, and its allies in the Established Church of Scotland, at last confessing to the evils of a system which they have hitherto laboured to uphold against the continued protests of the Scotch people. We are sincerely glad of the light which has so suddenly dawned upon them; but in this sense only, that the Bill is a confession of wrong and apparently an honest attempt at reform with a view to reparation. There are other hon. Gentlemen on this side of the House who go a great deal further, and say that the Bill ought to pass, because it is the first step towards the disestablishment and disendowment of the Scotch Church. That view has been recently expressed to me by an hon. Friend sitting on the same side of the House, who asked me what I meant by opposing the Bill, adding that every man with a head upon his shoulders must see that it would give rise to a state of confusion which would throw all other denominations into the hands of the Liberation Society, and thus bring about the separation of the Church from the State in Scotland. I also know that to be the opinion of one of the most eminent Conservative statesmen of the day, for he has said to a friend of mine, "I cannot understand what the Dissenters are about, as the Bill is a very long step on the road to Disestablishment;" and when the Lord Advocate says that the Edinburgh Presbyterian of the United Presbyterian Church was not unanimous in petitioning against the Bill, and that there was a minority in its favour, he forgets that the reason was that it was seen the Bill would bring down the Church, and hence the opposition to petitioning against it. I was perfectly aware of the force of objections of the kind, when I resolved on the course which I have taken, and therefore it was

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that, at the beginning, I felt considerable hesitation in putting the Amendment on the Paper. But eventually I came to this conclusion—that we are sent to this House more as politicians than as Churchmen or Dissenters, and it is our duty to ask ourselves the question, is the measure which has come from the House of Lords a wise, well-drawn, and a statesmanlike measure, founded upon accurate information, and likely to bring about the beneficial results mentioned by the Lord Advocate, and desired by its promoters? To that question, I think a negative answer must be given, and with no historical retrospect at all, I will endeavour to show to the House reasons why my Amendment should be adopted. In the first place, I entertain a strong opinion that neither the House of Lords nor the House of Commons, at the present moment, is in possession of sufficient information with regard to the ecclesiastical state of Scotland, or the ecclesiastical feelings of its people, such as to warrant them in legislating at all. Let me remind the House of what took place in former years. I will only go back a few years—about 30 years. Lord Dalhousie, then Mr. Fox Maule, moved, in the House of Commons, for a Committee to consider the ecclesiastical state of Scotland, but the Conservative Government of the day, acting on the benighted advice of the party which was advising them as to the measure under discussion, refused the investigation, and the result was a terrible political blunder, ending in the disastrous legislation which led to the Disruption of 1843. Sir James Graham and Sir Robert Peel both admitted it to be so. Sir James Graham told me on several occasions how bitterly he regretted it. It was thought that not six Ministers would leave the Establishment; but between 400 and 500 left it. It is now thought this Bill will bring back these men, but my opinion is, it will produce a diametrically opposite effect—I appeal to what has happened already. The United Presbyterian Synod on the 18th May, 1874, at once, and unanimously, resolved that the Bill was an additional reason in favour of the disestablishment of the Church of Scotland. But the response of the Free Church is even more striking. It had been everywhere represented that the abolition of patronage would bring part of this body back. The Report laid on the table of

the Assembly treats this as a misrepresentation. It says—

“As far as the Committee are aware, never once since 1843, never once during all the discussions of recent years, has a single Free Churchman, lay or clerical, thought of asserting that the abolition of patronage would remove the causes of separation.”

And accordingly, on the 29th May, 1874, the Free Church General Assembly declared—

“that no Act intended to alter the law of patronage can have the effect of removing the ground of separation,” and “protested against legislation professedly in the interest of Scotland generally, which proceeds on the application of the General Assembly of one body of Christians, without inquiring into the conditions, convictions, or wishes of the people generally,” by the bill which “deals with the ecclesiastical condition of Scotland on insufficient information.”

This declaration was carried by a vote of 433 to 66; but even among the small minority who approved of the measure so far as it went, not one, lay or clerical, ventured even to hint that it could bring back a single Free Churchman. Not only so, but what further action has taken place? This very Free Church Assembly, which up to the present moment has always advocated the principle of the Established Church, passed a resolution by a majority of 3 to 1 in favour of disestablishment. When I ventured to predict that something like that would take place to certain hon. Friends of mine on this side of the House, my statements were received with incredulity. I submit to the House that the information, or want of information, which we have at the present moment in regard to the ecclesiastical state and feelings of the people in Scotland is such that if we pass this Bill it will be legislating in the dark. As an instance of the want of knowledge or forethought displayed by the promoters of the Bill, let me call attention for one moment to what took place in the House of Lords. When Lord Aberdare asked the Duke of Richmond what provision was to be made for those parishes in the Highlands where there were no congregations, the Duke of Richmond admitted that there was none, and that the attention of the Government had not been drawn to the subject. The Lord Advocate has not said one word about the Highlands this evening; but I will do so. Perhaps hon. Gentlemen are not aware that in many parishes throughout Scotland, and in whole districts—nay in entire counties in the Highlands—there are no ad-

herents of the Established Church at all. They went out *en masse* with the Free Church, and hardly a single man has come back again. A well-known gentleman went with two other distinguished men over some of these parishes, and this is his testimony—

“We recently visited in succession no less than 40 parishes in the district north of the Caledonian Canal, and in not one of the Established churches did I find more than 30 persons of both sexes and of all ages, including tourists, attending public worship on Sunday, and in the majority of cases the audience did not exceed half-a-dozen.”

In another parish, of which, by the way, the Duke of Richmond is the patron, the incumbent has usually seven hearers, and his neighbour the minister of a parish church is even worse off, for he has to preach to his own family, his precentor, and beadle. Then, again, let me refer to the Island of Lewis. The population of the Presbytery is 23,439, and of these, according to the statistics of the Free Assembly, 22,979 belong to the Free Church, leaving 460 men, women, and children to be divided among the Established and all other Churches. A clergyman of the Established Church was so horrified and scandalized with the state of things, that he recommended the General Assembly of the Established Church to disendow no less than 46 parishes. It has, however, at last, dawned on the Government that in these places exceptional legislation is required, and accordingly this extraordinary Proviso has been introduced at the end of Clause 7—

“Provided always, That if any communicants or other members of the congregation of a vacant church and parish, qualified in terms of this Act, shall apply to the presbytery of the bounds, and shall state that the number of communicants and other members of the congregation of such church and parish, qualified as aforesaid, is less than twenty-five, it shall be lawful for the said presbytery, if they see fit, to make an appointment *tanquam jure devoluto* on the expiration of three months after the vacancy has occurred.”

By the clause, however, such an arrangement can take effect only when an application is made, and, therefore, wherever there are fewer than 25—say the beadle and precentor—these two worthies, if agreed, are to have the appointment of the parish clergyman who is to be paid out of national funds. I ask the House of Commons, is that a Proviso this House will entertain? It will give rise to very great abuse in Scotland. Some of us

are old enough to remember the charges made against the *Regium Donum* in the North of Ireland. In that case it was the custom to pay men to attend the congregations, to swell the numbers in order to get the grant, and in this Bill you are holding out a direct temptation to do a precisely similar thing. The Lord Advocate has referred to the Returns laid upon the Table of this House on the Motion of my hon. Friend (Mr. Ellie). No sooner were these Returns made, than I received communications from all parts of Scotland, even from ministers of the Established Church, assuring me that the communicants' roll was in such a state that the Returns must be inaccurate, and must mislead the House. I have looked them over with considerable care, and I believe many appear to be perfectly fair, because they are the Returns of parish clergymen who have most carefully kept their communion roll; but in other respects, there are gross errors, unless the congregations have been enormously increased since I was in Scotland last autumn. I have a letter from a friend of mine, in reference to one parish, of which he writes—

"I perceive by *The Scotsman* of to-day that the number of communicants is stated to be in my parish upwards of 3,000. If you deduct 2,000 from that number, you will still leave a number far above the mark."

["Name, name!"] I decline to give the name. ["Name the parish!"] Oh, I understood that what was wanted was the name of my correspondent. The parish is that of Forfar, one of the boroughs I have the honour to represent. I have seen the congregation assemble there myself, and as to the number of communicants being upwards of 3,000, it strikes me as entirely out of the question. My correspondent also gives a remarkable instance, showing how a large number of the communicants is in some cases made up. He says he met a friend in the street who, in conversation in reference to this matter, said that his name was still on the roll of the Established Church, although he had not communicated since 1833; and this was no doubt the state of the communion roll in many other parishes. But, even if the figures are correctly stated in these Returns, they do not represent the figures of the constituency which it is proposed to enfranchise by this Bill, because it confers the right of voting,

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only on communicants of full age, whereas in Scotland, especially in the country districts, it is the practice for young people to go to the communion long before they are of age. Now, I maintain that we are not in a position of sufficient information to legislate on this question, and I contend there is no call for this hasty legislation. The right hon. and learned Gentleman (the Lord Advocate) has referred to the number of Petitions presented in favour of the Bill; but we all know how these have been obtained. At the last General Election, only three candidates mentioned this subject at all. What I want the Government to do is to appoint a Royal Commission, or give a Select Committee of this House, or to inquire in some other manner as to what is the real ecclesiastical state of Scotland at this moment, and what are the feelings of its people before proceeding with this measure. But my next point is, that this Bill is based on the assumption that the Established Church of Scotland is the Church of the nation. Not being connected with any of the Presbyterian bodies of that country, I am in a position to estimate and state their relative strength with impartiality; and, after carefully studying all the statistics on the subject, I am satisfied that if I take it at 1,200,000, or rather more than one-third of the population, I exaggerate rather than under-rate the numerical strength of the Established Church in Scotland. ["No, no!"] That is my opinion. I am aware that figures have been placed before the General Assembly professing to show the Established Church to be very much stronger; but they are based on an estimate not of the whole population, but only of particular districts, taken for their own purposes. In the Presbytery of Hamilton, for example, having 156,000 inhabitants, they analyzed parishes containing only about 60,000. I maintain that the Established Church is only the Church of a Presbyterian sect. The whole of its endowments amount to £270,000, and the free-will offerings of its people to about the same sum. On the other hand, the Free Church, with about 800,000 adherents, raises about £500,000 sterling every year for religious purposes; and the United Presbyterians, about 460,000 or 470,000 in number, raised £338,000 last year. Since the great disruption in 1843, the Free Church has raised £10,500,000;

the United Presbyterians since the union of the Relief and Secession Churches, £5,804,000; and, if we add the amount raised by the Relief and Secession Churches before their union, together with the sums raised by the smaller bodies who had been driven out of the Establishment, we shall find that about £20,000,000 have been raised by various bodies of Presbyterian Dissenters. Now, by this Bill it is proposed to sectarianize an institution which, according to the old ideas of the Scotch people, belongs to the people; and my principal objection to it is, that it is so vaguely worded as to be misleading, and that it is likely to be interpreted—as, indeed, it already has been by some of the highest authorities in the land—to convey to the Church Courts of one Presbyterian body in Scotland such powers as have never been given by any Parliament or Government to any Church Courts under the sun. In the Interpretation Clause, for instance, the word “adherent” is so vague, and so utterly unknown among legal terms, that if we pass the Bill, it will bring about such a state of confusion in the Church of Scotland as will again require the interference of Parliament. The Bill has been well described by a conference of gentlemen as ignoring parishioners who have legal rights and are taxed for the support of the Church, and they further said the measure proposed that the minister should be appointed by the section of a section—the most objectionable way that could be adopted. Now, I will ask hon. Gentlemen opposite what is the difference between England and Scotland, which will justify the application of this kind of legislation to the other side of the Tweed? Why not clothe the Church of England with the same tremendous power? Why not abolish patronage in it also? The only answer that can be given to this question is that given by the Duke of Richmond in “another place,” and repeated by the right hon. and learned Lord Advocate in this House. It was, that there was a material difference between the two Churches; because in the Church of England there was a Liturgy, whereas in Scotland preaching was the principal thing, and it was very important that those who expected to hear good preachers should not be disappointed. That is rather a left-handed compliment to the Church of England. The fact is, we shall not

be able to draw the line. The Church of England is the Church of the majority, but it is upon the Church of the minority in Scotland that it is proposed to confer these powers. The distinction authorized by this Bill cannot be maintained, and once we set the stone rolling, it will go much faster and further than its promoters suppose. I will quote the opinion tersely what will be one of the results of a gentleman who has expressed very of this Bill. It is to the effect, that in many parishes where there are communicants, one set will appoint the ministers and another set pay them, and before long the heritors will see the necessity of joining in a movement for the abolition of church rates, and afterwards will come to ask for disendowment also. One of the most eminent advocates of the Church of Scotland, Principal Tulloch, has said—

“The Church of Scotland, I believe, on the whole, will be strengthened by the present Bill, though I see possible elements of evil in it. I would like the question dealt with with more deliberation and inquiry, and other questions dealt with at the same time.”

The right hon. and learned Lord Advocate referred to the probable union of Presbyterian denominations. No doubt, there is a great and growing feeling in Scotland in favour of the union. The Presbyterian denominations have united in Canada, in Australia, in New Zealand, in the United States, but they can never unite in Scotland by going back to the Established Church, because the majority of the people have declared their determination not to do so. I have no fault to find with those who have introduced this Bill. It is a well-meant attempt to bring back parties who have seceded, and who have contributed to the support of their own Churches £20,000,000; but it comes too late. If the House of Commons will pause and inquire as to the feelings of the people of Scotland, they will discover that the solution of the religious problem in that country is not to be found within the four corners of this Bill. In conclusion, I beg to move the Amendment of which I have given Notice.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “this House considers it inexpedient to legislate on the subject of Patronage in the Church of Scotland without further inquiry and information,”—(Mr. Baxter.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. C. DALRYMPLE said, the right hon. Gentleman who had just sat down had very wisely avoided referring to the subject of disestablishment; had he done so, his Amendment would have met with even less favour than it was likely to receive. The appeal which the right hon. Gentleman had made to English Members would not be very effective. There was no question in England as to the abolition of lay patronage, whereas in Scotland, it was almost a thing of centuries. Nothing could be more untrue than to allege that the question of lay patronage was bound up with the Established Church in Scotland; it was an alien part of the Establishment, which had patronage abolished before, and hoped to have it abolished again, as not consistent with its constitution. The right hon. Gentleman had explained that the vote of the United Presbyterians was not more hostile to the Bill, because they believed the measure would hasten disestablishment. But if that was so, why did they not vote in greater numbers? And with regard to the Glasgow town council, anybody who read their proceedings would know that that body was not actuated by any feelings of tenderness towards the Established Church, but thought the matter none of their business, and that it was for the Established Church itself to decide whether it would abolish lay patronage or not. He was very thankful to Her Majesty's Government for having dealt with the question that Session, though there were many circumstances which might have led them to adopt a different course, such as the shortness of the Session, the antiquity of the question, and the general abhorrence of Scotch questions, which was not peculiar to any Government. There were lions in the path, as it had been well said, not only to the slothful advocates of the motto, "*quieta non movere*," but also to those who, while they felt the necessity of action, were yet appalled by the complexity of the question, and the extraordinary variety of collateral issues raised by even the simplest enactment. The Government, he thought, had much reason to congratulate itself on the manner in which the Bill had been received, because the opposition

even of the United Presbyterians was not urged against the present measure in particular, for they had decided to oppose every Bill which proposed to deal with patronage. In respect to their opposition there was a very remarkable question, and answer to it, which he observed in the newspapers. The Duke of Argyll put a question to the United Presbyterian Body in these terms—"How can you oppose the rule which proposes the mode of election which you have adopted, and which you say is divinely appointed?" The reply was—"It is a Divine right provided the Church is disestablished; but not a Divine right when the Church is established." Then there was a new association—the Scottish Disestablishment Association—and previous to their deliberations upon the Bill they partook of breakfast together; and, not only so, but afterwards engaged in what were called religious exercises, and proceeded to pass some resolutions, one of which pledged the members to oppose all measures dealing with patronage, short of disestablishment and disendowment. He thought the Bill had been very much misunderstood, and that no such evil consequences would accrue from it as those depicted by the right hon. Gentleman opposite. But the strongest opposition to the Bill, was that it was Erastian. He really must apologize for being the first Member to use that word in that debate; but it was not a word of his, and it was one with which all who had mixed in polemical affairs in Scotland were very familiar. It was said that the Bill was Erastian. Well, but patronage itself was Erastian, and he thought that the Erastianism of patronage might very well pair off with the Erastianism of the Bill. Patronage could not be abolished without coming to Parliament; and the use of a hard name like Erastianism should not deter its promoters from appealing to Parliament to enable them to pursue the only course open to them. He was not surprised that the Amendment of the right hon. Gentleman (Mr. Baxter) was not a direct negative. It would have been impossible for him to oppose that Bill, either on the principle, or on the merits. He could not oppose it on the principle, because it was in that respect in accordance with opinions which he had held for many years. He could not oppose it on the merits, because it was a studiously moderate Bill, and one which offered very few points of attack.

Therefore, the right hon. Gentleman had adopted the mode of attack which was seen in his Amendment. Of course, the right hon. Gentleman himself did not want information on the subject. His speech showed that so far as he was concerned, information was unnecessary. He had a most minute knowledge, drawn from letters of an anonymous correspondent of *The North British Daily Mail*, of the state of the Church of Scotland, even in the remote Western Islands. It was the clients of the right hon. Gentleman—he meant those whose sympathies were on the side of the opposition to the Established Church—who desired further information. But he begged the House to notice that the right hon. Gentleman's clients outside that House had not held their hand on that subject. They had announced—he could not say wisely and advisedly, but loudly and earnestly—that nothing short of disestablishment would satisfy them. It could not much matter to those whom the right hon. Gentleman represented on that question, whether or not they received information as to the numbers of the different religious bodies in Scotland, for he should like to know who it was that opposed in 1860 and 1870, the religious Census in Scotland. They were all anxious to get at the facts, and no one, he believed, was more anxious than the right hon. Gentleman who then presided over the Home Office; but they were stoutly refused on all occasions, and there was great opposition to anything like a religious Census made on behalf of the Dissenting Bodies in Scotland. It was said, not by the Free Church itself, but on its behalf, that it ought to have been taken into counsel before that Bill was proceeded with. It was alleged, and he was far from denying, that the members of that Church made great sacrifices in 1843. He yielded to no man in admiration of the sacrifices which were then made. He believed that many ministers went out of the National Church literally not knowing what they were about to subsist upon, and nothing could be finer than their conduct in taking such a step without regard to consequences. But he thought they would agree with him that the General Assembly of the Free Church had, on the whole, shown good taste in abstaining from direct opposition to a Bill with which they had, strictly speaking, nothing to do, and anyone who alleged that the Free Church had a just

ground of complaint in not having been consulted on that question, seemed to him (Mr. Dalrymple) to be no friend of the Free Church. As well might the fellows of the Colleges of the English Universities, who resigned their Fellowships before the abolition of University tests, and who at the same time gave up the emoluments, come forward after the abolition of the tests, and either claim the first vacant Fellowships, or claim compensation for their losses during the years which had elapsed since they abandoned their Fellowships. Some remarks had been made by the right hon. Gentleman with regard to the constituencies which were proposed in the Bill. In advocating a rate-paying qualification for the electors, the right hon. Gentleman differed from many of those who sat near him. He differed very widely from the noble Duke who was a Member of the late Government (the Duke of Argyll), who, in a speech on the Motion for going into Committee in "another place," said, that if any such Amendment as that of making the ratepayers the constituent body should be adopted, he for one should oppose the Bill at any future stage, and would rather it failed than that it were passed in that shape. The fact was, there was a fallacy involved in the demand that the ratepayers should be the constituent body. He was reminded, in connection with that point, of something which was said last autumn during the discussion at the Church Congress at Bath by a well-known and very eloquent Prelate, the Bishop of Peterborough, in reference to a proposal of Church reform with which the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple) was connected. The subject under discussion was one which was kindred to that now before the House. The Bishop of Peterborough was provoked to say what he did by the repetition of the expression "National Church," and he (Mr. Dalrymple) was reminded of what the Bishop said by the arguments of the right hon. Gentleman, based on the fact that the Church of Scotland was a National Church, and therefore ought to have a popular elective body. The Bishop denied that the ratepayers as such had anything to do with the internal discipline of the Church. He said it was perfectly monstrous for men to claim the right of interference in the internal affairs of the Church, after they

had separated from it; and that he protested against men calling themselves Churchmen when there was something to be got from the Church, and Dissenters when any harm could be done to it. In a similar spirit, Principal Tulloch, whom the right hon. Gentleman had just quoted, said—

"All, I think, who have any real interest in the Church, or who are disposed to claim such an interest, should be recognized as entitled to a voice in the election of their parish minister, who is their pastor."

He (Mr. Dalrymple) did not feel any prejudices on that subject. Those with whom he was connected, and those with whom he had been connected in times past, were among those who sympathized to a great extent with those who were known as the Non-intrusion party. He sympathized very much with those who were outside the pale of the Established Church. If that change should benefit the Established Church he would be very glad of it; and if it should lead any number of persons to return to the Established Church, its doors should be thrown wide open to receive them. He, for his part, would like to see some such plan adopted as that which was known in Scotland as the "Mutual Eligibility" system, under which, when a vacancy occurred, a Free Church minister might be elected parish minister if the elective body thought fit to choose him. He might say that if, through the removal of the stumbling-block of patronage, greater unity should prevail in Scotland for the time to come, that would be worthy of any sacrifice. Could any man doubt that the change would be generally acceptable to the people of Scotland? Could any one doubt that if patronage were abolished the chief excuse, at all events, for separation would be removed? They were threatened with disestablishment from two quarters. On the one hand, they were threatened with it by those who had opposed in England and Scotland, in times past, legislation on educational and other matters, and who, he regretted to say, had been left behind by the wave of onward progress. They said—"You don't know what you are doing; you will rue the day when you stirred this question." Well, but it was not they—meaning by that those who in Parliament had urged the change—who were urging it on only. Scot-

Mr. C. Dalrymple

land itself was bringing the matter forward. It was the Church of Scotland, through its General Assembly, which had been year after year agitating the question, and which he believed was only expressing what was essentially the desire of the people of Scotland. Many of those who were opposed to the Bill said that disestablishment was close at hand. Well, if it was as near as they said it was, they had better know it. He did not fear any such thing; but if the mere stirring up of such a matter as this was likely to produce disestablishment, then all he could say was—let it come. There were others who thought the Bill would benefit the Established Church, and were therefore opposed to it. They were inconsistent, for they said, on the one hand, that the Church was so weak that nothing could save it, and, on the other hand, they complained that they had not been consulted, and that the Established Church would be greatly benefited. They were afraid of the Bill, in fact. After all, there were worse things than disestablishment, for, bad as that calamity might be, the spectacle of a dead Established Church was worse; and another thing worse than disestablishment would be a Church which was nothing if not a political propaganda, which combined the utmost degree of theological narrowness with the subtlest arts of political aggressiveness. He valued most highly the connection of Church and State, but he had always considered that the State benefited far more from its alliance with the Church than the Church benefited from its alliance with the State. In his opinion, no Church ought to have the advantage of a connection with the State, unless it was doing good work, and making itself more useful and comprehensive, and more enlightened. It was because he believed the Church of Scotland answered to this description—because he believed its usefulness would be increased by the abolition of patronage, because the desire for the change had not grown weaker, but had become stronger year after year, and because it was a movement which was characterized by deliberation and provident caution, that he supported the second reading of the Bill. He concluded, as he began, by saying that Scotland was under great obligations to Her Majesty's Government for having dealt with this

subject during the first year of its existence.

MR. GLADSTONE: I think, Sir, there can be no doubt that the sentiments expressed by the hon. Member for Bute, particularly in the latter portion of his speech, are such as do him individually high honour; but whether, on the other hand, they are equally calculated to recommend this Bill to the support of many of those who are favourably inclined to it may be another question; for the hon. Member, having been, as he says, threatened with disestablishment, does not seem at all disinclined to accept the challenge, his view being that if we are near disestablishment, it is well we should know it, and that after all there are worse things than disestablishment. Sir, these may be very sound opinions, but they are not, I think, the opinions with which this Bill has been introduced; and the hon. Gentleman has rather marked a division which subsists between himself and many of those by whom he is surrounded, than contributed greatly to strengthen the view of the question by which they will probably be governed. For myself, I must say I am exceedingly sorry to find myself involved in a new ecclesiastical controversy. I had hoped that this was a question which might have been dealt with in such a manner, with such a careful regard to preliminary examination, and the removal of difficulties, that when it came before Parliament it would be found consonant with the general opinions and views of the people of Scotland, and would be capable of being considered with reference only to the provisions of the Bill itself. I am not able, for myself, to avoid giving my opinions upon the subject. I was one of a number of Gentlemen—now very small—who watched with much interest the progress of the controversy which began in 1834 and ended in 1843; and I did not at that time scruple to state in print my opinion that so far as the traditions and principles of the original Scotch Reformation were concerned, the Free Church—those who afterwards became the Free Church—whatever might be the incompatibility of their views on national Establishments, were certainly the heirs of the principles of those theological traditions that are connected with the Scotch Reformation. Now I will state very shortly what I think are the rules by which we, the Parliament of

the United Kingdom, should be guided in approaching the consideration of this question. I entirely agree with the right hon. and learned Lord who has introduced the Bill, and with the sentiments which he quoted from Sir James Graham. We must not approach this question as Episcopalians; we must not approach it as Englishmen. We must approach it with reference to the history, the feelings, and the wants of Scotland, and must endeavour to settle it mainly upon what may be called Presbyterian principles, and for Presbyterian ends, inasmuch as the great mass of the people of Scotland are strictly and conscientiously of one or another Presbyterian persuasion. If I could see any clear and general declaration of the views of the people of Scotland upon this question, that would be such a recommendation to me of any particular plan which might be proposed that I should feel the utmost reluctance to offer any opposition to it—certainly, to offer any opposition on English grounds. Episcopalian, though most of us may be, and but few of us Presbyterian, it is above all things our duty to treat this question with perfect good faith in the interest of those Presbyterian Bodies; and any plan which tended to an honourable and fraternal union of those Bodies would in my opinion have the strongest possible claims upon our favour and support. These are the general considerations by which I would endeavour to test the measure which is now before us. Allusion has been made to some of the details of the Bill, and it has been said to me, by one or two hon. Friends on this side of the House, that it is a Bill, the general principle of which may be regarded with great favour, but that the details will require liberal amendment in Committee. I have very great doubt whether it is possible to amend effectually the details of this Bill in that manner, and I am quite sure that it cannot be done by hostile action. If the Bill is to be amended in its details, I think it will have to be done by its promoters and by the Government. I wish to call the attention of the learned Lord to some provisions, one or two of which have been touched by the right hon. Gentleman who moved the Amendment, and which are certainly, to say the least, of a very extraordinary character—so much so that it is difficult to see how anyone who has been concerned in the drafting

of the Bill can have supposed that he was moving upon those lines which Parliament has been accustomed to observe in all matters of ecclesiastical legislation. It is said that the Bill is in conformity with the prayer of the General Assembly of the Church of Scotland; but the prayer of the General Assembly was a prayer to proceed upon the principles formerly embodied in Scotch legislation, and to introduce the heritors of the parish into the constituency which was to elect the clergyman. That was the prayer of the General Assembly, but the heritors have entirely disappeared from the Bill. [The LORD ADVOCATE: The General Assembly approves the Bill.] I beg your pardon, I am speaking of the prayer of the General Assembly. The right hon. and learned Lord professed to be proceeding in consonance with the proceedings of the General Assembly itself, and I now point out to him that he has, in an important particular, departed from the views of the General Assembly, who founded themselves on historical precedent, embodying their ideas in a formal resolution that the heritors ought to be among the constituent bodies who are to elect the ministers. [Sir GRAHAM MONTGOMERY made an observation which was inaudible in the gallery.] This interruption proceeds from a particular quarter of the benches behind the right hon. and learned Lord, and I may say that while I desire to avoid falling into any error on the matter, and am grateful for any correction as to matters of fact, I would point out that this is a measure demanding the strictest investigation, in the sense of its being one of profound organic change; and it is a matter of the first consideration for the House as to whether it is altogether right or wise, by excluding the heritors from being among the constituencies that elect the clergy, to break the links which appear to have heretofore connected the Established Church of Scotland with the Crown, with the State, with the landed gentry, and with a large proportion of the Episcopalians of the country, and which have done so much to maintain and foster a very kindly interest in the Established Church of Scotland on the part of many who do not belong to its community. I did not perceive from the speech of the learned Lord that he had looked at the question from this point of view. It is remarkable, I say,

Mr. Gladstone

that in this Bill you begin by striking out the heritors, whom the General Assembly prayed should be put among the constituencies that are to elect the ministry. But what do you do then? The General Assembly, having prayed that the elective power shall be given to the elders, heritors, and communicants, you have again departed from the views of the Assembly, and have introduced what you call the congregation. In introducing the congregation you have likewise introduced words totally unknown to the law as laid down by other Acts of Parliament, by saying that the congregation shall consist of such adherents of the Church other than communicants, as under any rules made by the General Assembly or by its Commission may hereafter be laid down. Now, Sir, I must say that if you are going to deliver, as perhaps you are, the disposal of a very considerable mass of public religious endowments to the members of a particular religious body, you ought yourselves, on your own responsibility, to determine, in its main outlines, your plan as to who shall be the persons entitled to the disposal of those endowments; and you ought not to delegate even to the General Assembly, the performance of functions on which the character of your own act will entirely and absolutely depend. The General Assembly may adopt the strictest proceedings for purging the roll of the communicants. It may adopt the closest and most stringent regulations, if it think fit, for the purpose of determining who are these adherents; and if it is in their opinion, a matter of policy to do so, they may commit to any ecclesiastical body whatever, the exercise of the powers on which the whole character of the measure is really to depend. It may be that we shall be told that this can all be amended in Committee; but, in my opinion, it cannot be amended in Committee by any hostile section of the House, or by the action of any independent Members; and the Amendment ought, therefore, to come from the Government themselves. But if it is remarkable that you should commit these powers in a manner so totally different from what the General Assembly asks, it is still more extraordinary to us that we should be asked, as we are by the present Bill, to entrust powers which are enormous, and beyond all precedent, to a committee of the Assembly. The

House ought to be aware that this absolutely is the case. The words of the Bill are that the—

“congregations shall mean and include communicants and such other adherents of the church as the kirk session (a self-elected body) under any rules and regulations to be issued by the General Assembly or commission thereof.”

Now, Sir, if it is an extravagant proposal to say that you hand over to the General Assembly the man and the principal part of his legitimate duties, it is certainly a much stronger thing to say that the Commission of the General Assembly, which may simply consist of those members who may find it convenient to be in Edinburgh during the Recess, is to have such powers; for it is idle to tell me that the open constitution is of any value whatever. The members of the Assembly must be in their cures all over the country, and you merely hand over to those who are in Edinburgh and its neighbourhood, the power of determining this great and vital question for the whole of the Church Body. But the Bill goes much further than this; and I want, Sir, to know what is the intention of the Bill in what I am about to mention? The learned Lord says in the Bill, that the sentences of the Church Courts on all questions that may arise in the course of the proceedings connected with the appointment, admission, and settlement of any persons to be the ministers of the parish shall be final and conclusive. Now, what is the meaning, and what is the legal extent, of the words—“Upon all questions connected with the appointment, admission, and settlement in any parish of any person as minister thereof?” Are questions of civil rights which arise in the course of these proceedings to be finally and conclusively dealt with by the sentences of the Ecclesiastical Courts? Does the learned Lord intend to commit to the Courts of the Church of Scotland powers that are not possessed by the Courts of any voluntary religious communion in the country? I apprehend that there is no voluntary religious communion in the country, of which you can assert that the sentences of its Courts upon all matters connected with the adoption, appointment, and settlement of ministers are finally conclusive; and I am astounded that the learned Lord, in expounding to the House the nature of this Bill, has not made the smallest reference to the subject, nor has he told us whether he

is going to give to those persons who are to dispose of the national public endowments, powers that are not possessed at this moment by the Free Church, or by the United Presbyterians, who are liable, and who have been found to be liable, to the interference of the civil Courts on many questions connected with the appointment, adoption, and settlement of their ministers. I am now going to touch on a point on which I will not dwell at any length; but I wish to take objection to the mode in which this Bill deals with property. The Bill adopts the principle of compensating the owners of advowsons in Scotland. I feel the difficulty of dealing with this subject, and I could have understood your saying that you would in the rough give a fixed sum, in order to escape from the embarrassment of investigating and settling the matter, which, after all, is not of very great pecuniary value. But the learned Lord does not give a fixed sum. He gives a maximum sum. The compensation to be given to patrons may be ever so small, but it is not to exceed one year's endowment. Now, why is it not to exceed one year's endowment? We on this side of the House are supposed to have been guilty of, and have often been charged with, confiscation. That was a very convenient word to apply to us; but it may be thought that in the present case if the learned Lord recognized the proprietary right, he is bound to satisfy the proprietary right. Is he prepared to say that he has investigated the case, and has found that one year, which is his maximum, is the extreme value of the Scotch advowsons? [The LORD ADVOCATE assented.] The learned Lord is prepared to say that he has examined the matter, and has found that such is the case. [The LORD ADVOCATE: The Duke of Argyll said so in the House of Lords.] I hope the opinion of the noble Duke will be accepted on all questions as conclusively as it is on this, in which case, I will venture to say that that will be a very good guarantee for the good conduct of the present Government. But I never heard that the noble Duke—whose warm support of this Bill would, if nothing else had done so, have disposed me to take a favourable view of the subject—had examined these proprietary rights, and the learned Lord must see that his position is very weak when he quotes the Duke of Argyll. The noble Duke was a party to all our

schemes of "confiscation," and he is, of course, a most dangerous man to rely upon in those delicate and difficult matters relating to Church property. As the learned Lord appears to be in a position in which the smallest contributions of information will probably be thankfully received, I will tell him what is represented to me, and although I have no original knowledge of the facts, they are represented in such a manner, and with such details, that he may have a perfect opportunity of investigating them for himself. Early in the present Session, a society was formed in Scotland for the purpose of purchasing advowsons, and I am told that they bought the advowson of the parish of Colinton, near Edinburgh, for £2,000. I do not know in what manner the learned Lord will bring this fact within his doctrine of one year's income. I do not know the income of the parish; but it is a rural parish. Then, I am informed that the advowson of the parish of Fairseat, in Fife, was purchased by the same society for £1,000, which was several years' purchase; and that of the parish of Carstairs, the income of which is £300 per annum, was bought not many years ago for £600. It is said the purchaser had a splendid bargain. The advowson of the parish of Broughton, in Peebles, was sold for the low price of £300; but that was owing to a surprise on the sale-day, owing to the absence of intending purchasers, who were extremely disappointed at finding they had missed the opportunity. I do not pin myself to this matter as one that will determine the rights of the Bill, but knowing the feelings of the Government on the subject of confiscation, I thought it right to refer to the way they deal with the question of property. If the statements given to me are at all correct, the present Bill does not at all satisfy the proprietary rights on this head. With regard to the cases of parishes with less than 25 communicants, I was surprised when I heard the eager challenges from the opposite benches as to the names of the parishes where there were only half-a-dozen members of the congregation. Name them! Why, the difficulty in the counties of Ross and Sutherland would be to name the parishes where there are larger congregations. It is not very agreeable to the ministers of such parishes that the names of them should be produced; that the nakedness

of the land—which is not owing to their fault—should be made the subject of comment in Parliament; and that they themselves should be exhibited as shepherds who receive the wool, but who do not feed the sheep. But let any hon. Member consult even the imperfect statement which has been already laid upon the Table of the House, and he will find there many ecclesiastical parishes where the minister is supported out of the public taxes, and where there are not more than five or six communicants, including very often the minister himself, his wife, children, and dependants. That is a state of things which, as I have said, is common and not rare or exceptional in the counties of Ross and Sutherland; and it is undoubtedly strange that in the face of a class of cases such as these my right hon. Friend the Member for Montrose should be censured for saying further inquiry is necessary before you prepare to hand over by law the disposition and enjoyment of these livings, which are paid out of the general taxes of the people, to the five, or six, or perhaps 12, communicants in the parish who are to have the absolute disposal unless they choose to call in the aid of the Presbytery. I do not know whether the aid of the Presbytery will greatly improve matters. It would be a severe trial of the patience of the inhabitants of these parishes, who belong in the mass to the Free Church, to see these public charges disposed of by the vote of a handful of people among themselves; but I do not see how the case would be mended by its being carried away from the parish to the Presbytery, for, of course, the Presbytery is a body remote from them. The case of these Highland parishes is one of the extremest difficulty, and it has now been stated, on the highest authority, that it met with no consideration whatever in the deliberations of the Cabinet on this question during the present Session. Yet we are now asked to give over to these handfuls of men the absolute disposal, subject to no appeal except the Church Courts, of this national and public property. Why, a member of the municipality of Dingwall, speaking to me some years ago of this state of facts in the county of Ross, not as exulting in but as lamenting them, remarked that one single church would hold all the Established congregations in the county. I appeal to the right hon. and learned Lord to consider in what way

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this state of things, this terrible scandal on the face of the Bill, is to be dealt with. Is it hardly politic, prudent, or wise—I may almost say, is it decent?—where the people have been driven out of the Church by measures for which you now express your solemn and sincere repentance, to leave them to their own resources—and they are so poor that it is with the utmost difficulty they can make any provision for themselves—and hand over to two or three favoured individuals who, generally speaking, belong, not to the mass, but to the upper class of the community, the absolute disposal of funds which were intended to provide religious ministrations for the whole of the people of these parishes? Of course, it is not for me to tell the learned Lord how to improve his own measure; but I hope he will consider this great blot on the face of the Bill, because nothing will more contribute to precipitate those consequences which he does not appear to apprehend, but which are quite open to the view of the hon. Gentleman who spoke last, and for producing which I, for one, do not wish to be in the slightest degree responsible. I am quite ready to make a large admission to the learned Lord. From the point of view of a member of the present Established Church of Scotland, it is impossible, I think, to object to his efforts to get rid of patronage. He is acting in conformity with the traditions, at least, of the popular party in the Church, and so far I entirely go with the right hon. and learned Lord, and I understand the difficulty which has been felt by the members of the Free Church and other Dissenting Bodies in offering what is called direct opposition to the Bill. The hon. Gentleman who just addressed the House, the Member for Bute, congratulated himself on the paucity of direct opposition to the Bill. Well, I cannot but honour the Free Church and the United Presbyterian communion for having felt it was not becoming in them to do anything which might be construed as a sanction of patronage. Therefore, they have avoided to a great extent direct opposition to this Bill, and have not encouraged Petitions against it. [*Laughter.*] The hon. Member opposite laughs contemptuously, but I would remind him that there are 800,000 Free Churchmen in Scotland and 400,000 or 500,000 United Presbyterians, and I presume that if

those Bodies had been desirous to promote Petitions they might have sent up a large number. What I contend is, that the Dissenting and Nonconforming Bodies in Scotland are entitled to be considered in this matter. The learned Lord has framed his Bill from a Church point of view, and so far I do not find fault with him; but what I do find fault with is that he has framed his Bill from a Church point of view exclusively. He says his intention is to strengthen the Church. But how? Why, by weakening the other religious bodies, not by an honourable and straightforward offer to them, accompanied by a frank confession of offence, in order to re-unite that which in former years was ruthlessly and unhappily torn asunder, but by investing the present Established Church with such wealth, and such unbounded liberty with respect to the interference of the Civil Courts, that you will confer such a condition of popular privilege on the laymen of the Established Church, that laymen of the Free and United Presbyterian Churches will be tempted to come back into the Established Church, and to leave their ministers to look out for themselves, or to starve. Now, is that a wise or a prudent measure of procedure? What was the state of things before 1843? The national Church of Scotland was so strong in the sense of recollection of service rendered to the country, and in the possession of an overwhelming majority of adherents in every quarter of the land, that if then it had been proposed to invest the people of that Church with the disposal of the endowments of the Church by a mode of popular voting, probably it would have been felt, whatever anomalies there might be in such a proposal, that it was one that would, at all events, have tended to give privileges and purity to the great mass of the people of Scotland. And here I must say, by way of parenthesis, the learned Lord has taken no security whatever in framing the Bill that the boon he proposes to confer on the communicants of the congregation will ever reach them at all; for he says it shall be subject to regulations to be made by a committee of the General Assembly, not only for determining who are the congregation, but also for defining the minister. The General Assembly may require that no person shall be appointed or selected unless he had passed through the preliminary ordeal of the

committee, and the Assembly can provide for the constitution of that committee. Well, if that be so, I would point out that the learned Lord takes no security whatever for giving even to these comparatively limited bodies the great privilege he intends for them. But in 1843 a very different state of things came about. A vast secession took place. What was the effect of that secession? Why, in the first place, it had the effect of earning for Scotland throughout the Christian world a degree of notice, a degree of celebrity, and a degree of honour that no such limited country ever enjoyed before. The doings, not of those who resisted the movement of 1843; not of those who continued to constitute the Established Church; but of those who went forth from their churches, their homes, their schools, and their manse to fling themselves upon the bounty of the poorest parts of the population, strong only in the consolation they derived from having obeyed their consciences, drew a universal burst of applause and congratulation from all Christendom irrespective of religious persuasion, that noble and great was the country, however bounded were its limits, that could produce such men, ready in this 19th century of ours to offer such sacrifices to their consciences and to God. That was the proceeding of the Free Church. Did they upon withdrawing from the Church do that which they must have been strongly tempted to do, and what they might very easily have been led to do—throw themselves into a violent movement for disestablishment? Did they then become the enemies of the Established Church of Scotland? The answer is plain and undeniable, and it is to be found in the comparative absence of the disestablishment controversy during the last 30 years from the annals of Scotland. In England we have heard much of it. Here we have a Liberation Society established, not very large in numbers, it is true, but at the same time not inconsiderable, and distinguished by much activity and tenacity of purpose, whose object is disestablishment, although I believe that the Church of England is still the Church of a very considerable majority of the people. But, in Scotland, where the Established Church has ceased to be the Church of the majority—[“No, no!”]—there has been no such

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movement. Really, Sir, if hon. Gentlemen are determined to interrupt me, let them prepare what they say. An hon. Member, by his interruption, shows his belief that in Scotland the Established Church is the Church of the majority, and I should like to know what evidence he would accept on the point—perhaps he thinks he knows better than all the world beside, and will accept no evidence which is not drawn from the depths of his inner consciousness. Has the hon. Gentleman read the Papers—not the newspapers, but Papers which contain information; and has he referred to the figures published by either one or the other of the parties ranged on different sides of this question? I will quote to the hon. Member who interrupted me a few figures from a pamphlet recently published, entirely in the interest of this Bill and of the Established Church, by Dr. Edgar Cumming. Those figures will, I think, easily dispose of the question of numbers. My right hon. Friend near me—the Member for Montrose—represents the views held by the Voluntary Bodies, who contend that the Established Church has only a little more than one-third of the entire population of Scotland. I may here remark, in passing, that I agree with the hon. Member opposite in thinking that the Voluntary Bodies, or some of them, in England and Scotland, put themselves in a position of great weakness by declining to give their countenance to any proposal for a religious Census, which would give us very useful and, indeed, valuable knowledge, on an occasion like the present. I find, however, from the figures contained in Dr. Cumming's pamphlet, that he estimates the communicants at 451,500, and the adherents at 1,448,000, and that the percentage of communicants and adherents of the Established Church to the entire population is 42·66—but, perhaps the hon. Gentleman is of opinion that 42·66 is a larger percentage than 57·34?

MR. ORR-EWING: If the right hon. Gentleman will be good enough to refer to the foot of the column, he will find that among those returned as not belonging to the Established Church, there is a large proportion of the population who cannot be said to belong to the Nonconformists.

MR. GLADSTONE: I have looked at the foot of the column, and I can find

no figures there which are relevant to the case. We find, then, that since 1843 there has been an Established Church of Scotland, which has been considerably stronger in point of numbers than any other single denomination; and a Free Church, which has retired from the Establishment under circumstances entitling it to peculiar consideration; in addition to which, there is an United Presbyterian Church, whose deeds we may have forgotten, for the reason that they were performed a century earlier, and were not so conspicuous because the numbers were smaller, but which were deeds as honourable, as conscientious, and as praiseworthy—and, perhaps, even more conformable to the large principles of reform and religious independence in Scotland—as were the deeds of the Free Church in later times. The Establishment has rendered very valuable services to numbers of people. I do not stint that acknowledgment in the slightest degree; but it cannot be denied that it is an Establishment in a minority, for in Ross and Sutherland, for instance, it has been so destitute of adherents that, without exaggeration, those districts relating to the Established Church of Scotland might be compared with Connaught and Munster as they existed under the Established Church in Ireland; and yet, with all this, while you had hardly any controversy on disestablishment, what was your condition as to patronage? The right hon. and learned Lord had dwelt in the barest generalities on this subject. What amount of disturbance, or confusion, or religious feud has there been in Scotland during the last 30 years on the subject? There has not been more than a single case here and there; and the patrons, much to their honour—beginning with the Crown, and going almost through the list—have always shown the most exemplary regard for the feelings of the people. The working of the system of patronage in Scotland has been thoroughly harmonious, although the Established Church has been the Church of the minority, and in some parts of the country has been almost totally without adherents. In addition to this you have had Dissenters, some of them approaching the Establishment in strength, and, conjointly, far exceeding it, but you are not satisfied with that state of things. Under those circumstances, it is that you

come out and say you will cast down a challenge to the Dissenters, and defy them to raise a cry for disestablishment, while you endeavour to win back, not entire bodies, but single members, adherents of those Bodies here and there; for this last may, perhaps, be done on the occasion of a vacancy in a parish, when there will arise a disposition to qualify as members of the Establishment for the sake of taking part in an election or having a voice in the expenditure of the public money. And all this it is proposed to do in a manner totally out of consistency with wisdom or prudence, and in a manner which—if it be not presumption in me to give an opinion on such a subject—I should venture to describe as not well in harmony with what are called Conservative principles. The right hon. and learned Lord and the hon. Member opposite object to the Motion of my right hon. Friend the Member for Montrose by asking—"What information do you want which you have not got?" and adding—"You will not be able to get any information if you postpone the Bill." I am very sorry if that should be the case; but if there is any further information to be got, it ought to be forthcoming, because what I wish to point out is that the Bill proceeds upon the basis of a principle which is both dangerous and unfair. The question really is—are we to consider this as a Bill for the Establishment only, or is it to include all Dissenting Bodies also, in order, as the learned Lord says, to increase and strengthen the Established Church? The obvious complement of the learned Lord's sentence was, that he desired to strengthen the Established Church by inducing adherents of the Dissenting Bodies to come over man by man, and I ask the question fairly and publicly, is that a fair or a generous course? How did they become Dissenters, if not by the action taken by those who were now the Established Church? The learned Lord himself stated last year that it was patronage made the Scotch Dissenters, and his speech to-night has been a repetition in substance of the pamphlets I read in 1842, and which were written by those who afterwards formed the Free Church in Scotland. At the time of which I am speaking, proposals such as those now made by the learned Lord were con-

temptuously spurned and cast aside. The Bill now before the House amounts to a cry of *Peccavi*; but if it is also an admission of wrong and a confession of penitence, let me say that restitution is an absolutely indispensable means of testing its sincerity. What are you going to do for those people whom you drove out of the Established Church and compelled to find ministers for themselves, to build churches, mansees, and schools, and, in fact, to organize and pay for the establishment of a complete system of Church Government? You compelled them to do all this, and now you say, "We are going to adopt the same principles for which you contended," but you do not offer to take those people back. If you did, I should entirely approve of this Bill. If the Assemblies were to meet together on terms of fraternal equality, in order to see what should be done to bring about the reunion of the Churches, I would do everything in my power to forward it; but to force those Churches to go out and depend upon voluntary support and then say—"We will now bring in a state of things, and with such placing of public funds at your disposal, that individual members may be expected to return to the Church"—I repeat that it is neither generous nor fair, neither is it one to which I can give my support; and if asked what information I want, in the sense of the Motion of my right hon. Friend, I would say the information I want is to know what the General Assembly has done towards arranging for a return of these Bodies whom it threw out because patronage was right, when it now declares patronage to have been wrong. I have detained the House for some time; but I hope I have not said of the Lord Advocate, nor of anybody connected with this movement, anything offensive as far as motives are concerned. I hope I am not illiberal in my admission—an admission made more than 30 years ago by me in print—that the principles applicable to patronage are more or less those that represent the interior mind, so to call it, of the Scottish Reformation. But I do not think that the Dissenting Bodies in Scotland are so weak that they will suffer injustice at the hands of the learned Lord Advocate. In my opinion he is taking steps which, unless we interpose preparatory measures, and liberal

measures such as I have prescribed towards fraternal union, he may have reason to repent. The hon. Member for Bute said he was not afraid of disestablishment; but the right hon. and learned Lord did not say he was not afraid of disestablishment. I have pointed out to him that there was scarcely any disestablishment movement in Scotland until the date of the introduction of this, I do not call it bad, but crude, premature, and insufficiently considered Bill. But is it true that there is no promise of a disestablishment movement in Scotland now? What has happened since the announcement of this Bill? The representatives of 1,200,000 of the Scottish people have in their General Assembly declared for disestablishment. The hon. Member is glad that there is little direct opposition. Does the learned Lord like that kind of indirect opposition? Does he think it really desirable to force those 1,200,000 or those 800,000 persons, men, women, and children—and they appear to have quite as fair a chance under his Bill as anybody else—does he think it well to force that great Free Church into the attitude of disestablishment and disendowment? As I have said, it no longer rests on speculation. Those men have met in their Assembly, and by a very large majority for the first time in their history declared in favour of disestablishment. There were 295, as I understand the number, against 98, those 98 not voting in favour of establishment, but for the previous question. I do not wish myself to be responsible for raising the question of disestablishment in Scotland. I am not an idolater of disestablishment. [*Cheers.*] Neither am I one of those who would wish to raise a controversy of that kind, excepting under very strong justifying circumstances, and excepting with a perfect preparedness to abide the issue of that contest. If the cheer we have just heard—and it was perhaps a very natural, fair, and legitimate cheer—was intended to imply that I am a great enemy of Establishments, because I used every effort in my power to put an end to an Establishment in Ireland, I must say, in answer to that cheer, that I do not repent the part that I took. So far from repenting it, if I am to have a character with posterity at all—supposing posterity is ever to know that such a person as myself existed in this

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country—I am perfectly willing that my character should be tried simply and solely by the proceedings to which I was a party with regard to the Irish Church Establishment. I would, however, in this case recognize distinctions that are founded in the nature of things. In Scotland there has been no general movement of principle towards disestablishment; and although an Established Church in a minority is an anomaly, it is an anomaly which I was well content to tolerate, and which the masses of the people of Scotland were justly and wisely content to tolerate, and not to be guided by abstract principles, but by a careful regard to the state of facts. But when in that state of things the Government throws down the challenge before them; proposes to invest this ecclesiastical body, or even the committee or commission of it, with powers never before intrusted to an ecclesiastical body, but which will infallibly be quoted in support of high clerical pretensions in other quarters; and when in doing that it does it, as the right hon. and learned Lord says, in the sense of strengthening the Established Church, but declining to recognize, for every practical purpose, the existence of those great Presbyterian communities whom you drove out and compelled to become Dissenters; entirely declining to recognize them, excepting as Bodies from whom you may make a certain profit by withdrawing one adherent from them here and another from them there—that is a challenge, I think, to them to take up a question of the public and national endowment of religion such as was never before issued by a Government under any circumstances, and such as, in my opinion, it is totally inconsistent with prudence and wisdom to issue. If we have been rash—which I do not admit—our rashness will certainly fade into utter insignificance by the side of the gratuitous hardihood of the Government, which, as it appears to me, determines to initiate a religious war in Scotland under the influence of the best motives, but under circumstances the most slippery and dangerous. As I have said, I see, Sir, no mode of materially interfering with the provisions of this Bill in Committee; but as I think it unwise to provoke this war, unwise to throw nearly a moiety of the population of Scotland into the ranks of disestablishment, and thus excite a fierce and probably a pro-

longed and bitter controversy, I must, while admitting a hostility to the principle of patronage to lie at the root of Scottish Presbyterianism, support the Amendment of my right hon. Friend, which I interpret as meaning that other steps ought to be taken, steps of justice, of propriety, of prudence—I might even say, of decency—towards the non-Established Bodies before we proceed to constitute the singular and unexampled condition of privilege which is the immediate object of this measure.

MR. MARK STEWART said, the right hon. Gentleman who had just sat down had alleged that the Bill was not in consonance with the prayer of the General Assembly; but in 1869 or 1870 the prayer of the General Assembly set forth that patronage was a grievance, an injury to true religion, a main cause of the difficulties which beset the Church, and that it ought to be abolished. The right hon. Gentleman had also dwelt on the difference between the General Assembly itself and the Commission appointed by it; but before separating in May last, the General Assembly issued a Commission and gave it full power and authority to act; and the Commission was not therefore to be put aside in the manner the right hon. Gentleman had adopted. It had been urged that every ratepayer in the parish ought to be admitted to the electing body; but that would let in not only both the large and small heritors, but hundreds and thousands of persons who had nothing to do with the Church. That would lead to great confusion, and it would be impossible to say what sort of a minister you would get under such a system. The right hon. Gentleman criticized very severely the compensation which was to be given in cases where patronage was abolished, but he must bear in mind that livings such as that to which he had referred were no longer so valuable as they were previous to 1843, and it might be doubted if some were even marketable. His argument, moreover, in a great measure was founded on ignorance of the wants and wishes of the people. Lord Aberdeen's Act, to which reference had been made, really aggravated those evils which it was designed to remedy, and its intricacies and ambiguities were a constant source of difficulty to every presentee, while it raised points of law which an

premature in bringing forward the question; that they ought to have asked for a Royal Commission, and have allowed time for investigation and inquiry before taking any steps in the matter, and certainly before introducing this measure; but he ended his speech by declaring that the Established Church of Scotland was too late in attempting to carry out this policy. The Scotch Established Church, however, intended to do their best to get justice done in this matter, and to endeavour to promote uniformity of management throughout the length and breadth of the land. He would conclude by saying that he could see no ground for the Amendment of the right hon. Gentleman the Member for Montrose, and he hoped it would not receive the sanction of the House.

MR. FRASER-MACKINTOSH said, it could hardly be questioned that a great wrong was committed against the Church of Scotland in 1843, and as the Bill would help to repair that wrong, it would have his hearty support. On the subject he should like to quote some words of that very eminent Scotsman, Lord Cockburn. He said—

“The Star Chamber never made greater encroachments on the common law of England than the Court of Session made on the ecclesiastical law of Scotland.”

It had always appeared to him to be totally inconsistent with the theory of Protestantism, as exemplified in the Presbyterian form of Church Government, that the right to select the minister should not be exercised by the members of the Church. The Church of Scotland had for a long time after the Reformation no such yoke resting upon it as that of patronage. It went through a period of 150 years after that event before the law of patronage was imposed upon it, and, as a Member of that Church, he asked that the Act of 1712 should be repealed. It seemed rather inconsistent in those who opposed the present Bill that, while they themselves were free in ecclesiastical matters, they objected to the members of the Church of Scotland ridding themselves of that yoke. Considering that the law of patronage was for very many years not a fundamental part of the constitution of the Church, the argument on the other side appeared to him to fall entirely to the ground. They had heard that even-

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ing in the Highlands of Scotland in reference to the Free Church and the Established Church. It was impossible for him to remain silent on that subject, knowing, as he did, something about the real state of feeling in the Highlands, and especially among the Gaelic-speaking population of the Highlands, with regard to the Bill. The chief grievance of the Highlanders was connected with the law of patronage. There had been some other causes of dissatisfaction; but the great body of the people had only this tangible grievance—that the law of patronage had in many cases been exercised most oppressively. It had been remarked that night, that there had been no great agitation against the Church of Scotland during the last 30 years. There certainly had not; but the reason was this—that while many people, particularly those who joined the Free Church in 1843, went out of the Established Church under circumstances of great difficulty and trial, they had adhered most carefully to most of the principles of the Established Church. There could be no doubt that for a long time among the most thinly-populated parts of the Highlands of Scotland the Established Church had been weak; but, on the other hand, the principles of the Established Church strongly prevailed among the Gaelic-speaking population for the last 30 years, and were now as strong as they were at the time of the great secession. The recent protracted struggle in the Free Church for the purpose of securing a union with Voluntarism was carried on with great vigour and pertinacity by a great and influential party in that Church, and would probably have been successful but for the counterbalancing Highland element. Now, what did the Free Church think—he was now alluding to the Gaelic-speaking population—of the abolition of patronage? So far as he was able to judge—and he had had good means of ascertaining—the opinions which prevailed were entirely in favour of the Bill and of the abolition of patronage. He did not mean to say that the people to whom he alluded were prepared instantly to join the Established Church. That was a matter which was not quite ripe for settlement; but he was quite safe in saying that, so far as the Bill was concerned, the feeling of the people in the Highlands was altogether in favour of the Bill. When patronage had been

done away, a great deal of ground would have been cleared for the future action of the Church. He quite agreed with the hon. Member for Bute (Mr. Dalrymple), who had expressed himself in favour of the adoption, on the part of the Church of Scotland, of a Mutual Eligibility Scheme, under which, when a vacancy occurred, a minister of the Free Church might be elected to a parish; and he saw no reason why, if such schemes were carried out, they should not in the course of time see in Scotland a United Presbyterian Body, that would make its influence felt both at home and abroad. There was one point to which many persons in the Highlands seemed to attach great importance, and that was that there should be embodied in the Bill a few words declaring the complete spiritual independence of the Church. He did not for a moment suppose that the House would question the propriety of that, and he was prepared to propose in Committee a clause which would remove the objections which some excellent people in the Free Church of Scotland felt with regard to the Bill in connection with this matter. The question of the mode of selecting the clergyman remained still to be determined in Committee also, and he quite agreed that in some parishes, as matters stood at present, the right of nominating the clergyman was of a rather too limited character, as respected the number of electors, and he thought that in such counties as Ross and Sutherland, it would be well to provide that the number of electors should not be less than 25. The importance of the Bill could not be over-rated, and if the changes he proposed were carried out, there would be such an accession of adherents to the Church that there would be no difficulty in getting a sufficient number to nominate a minister even in the remotest parishes. The question was of deep interest, and had very much occupied the minds of the people of whom he had been speaking, and he thought that, considering how very small were the differences between the Free Church and the Established Church, and considering what a great burden it was to the Highlanders to be supporting such a large ecclesiastical body, they themselves being very poor, it was but right that every effort should be made to unite in one great body the different Presbyterian bodies of Scotland. The Amend-

ment of the right hon. Gentleman the Member for Montrose declared that further information was necessary; but he (Mr. Mackintosh), on the contrary, thought it was unnecessary and uncalled for. They had before them all the information that could be got, and the longer the question remained unsettled the greater opportunity would there be for that small but persevering body who were opposed to the objects of the Bill to do mischief. He wished to add, as a member of the Church of Scotland, that while the grievance of patronage was one which that Church had long protested against, patronage had in many cases been exercised in a manner which was highly beneficial to the Church. The Crown had for many years left the appointments to its livings to the people, and many of the patrons had exercised their rights in a very proper manner. In conclusion, he congratulated his right hon. and learned Friend the Lord Advocate on having had an opportunity of bringing that Bill before Parliament. He was quite sure that, if it passed, his name would remain honourably connected with it, and that it would be hailed with satisfaction in Scotland; and he trusted that when it became law, with such modifications as would be introduced in Committee, it would have a most beneficial effect, not only upon the Church of Scotland, but upon Scotland generally.

SIR GRAHAM MONTGOMERY congratulated the Government on having obtained the support of the hon. Gentleman who had just spoken. The right hon. Gentleman the Member for Greenwich (Mr. Gladstone) had denied that Lord Aberdeen's Act had not worked satisfactorily. The right hon. Gentleman forgot the famous Queensferry case, which was a scandal and a disgrace to the Law of Scotland. That took place under Lord Aberdeen's Act, and there were other cases besides, from which there could be no doubt that it was the unsatisfactory working of that Act which induced the General Assembly to take up the question before the House. The right hon. Gentleman alluded to the fact that the General Assembly had petitioned Parliament to give the election of the ministers to the communicants and the heritors. It was quite true that the General Assembly in the year 1860 appointed a committee, and in 1867 they were still undecided on the subject; but

in 1869 they petitioned Parliament to legislate in the direction indicated. Now their opinion was changed, because the General Assembly unanimously approved of and supported the Bill of the Government, which did not give the election of ministers to the heritors. In 1869 a memorable deputation waited on the right hon. Member for Greenwich, and their reception was confined to courteousness more than to anything else, for he was not very cordial in reference to the matter. After that the General Assembly put forward a statement showing what their ideas were on the question, and they appointed a committee to keep the matter open. He had mentioned these facts with the object of showing the origin of the movement, and the question now was—whether the Government had done right in bringing forward this measure. For his own part, he had no hesitation in saying that they had acted in a right spirit towards the Scotch people. He had some experience of patronage, and he must say he thanked the Government most heartily for relieving him from the responsibility of saying who should be the spiritual pastor of a parish of which he was patron. They had heard much of the evils attending the popular election of ministers, and no doubt there were some; but he believed that those evils had been greatly exaggerated. There were plenty of instances in which parishes had made most excellent and most harmonious appointments. At that very moment there was a vacancy in a parish near his residence, and under the *jus devolutum*, the male heads of families had selected four men for the patrons to choose from, any one of whom would be acceptable. He did not, therefore, think there was much to be feared from popular elections in the matter. He quite agreed with the remark that the time was opportune for bringing in the Bill, because the Government was strong and had a united party at its back, and could do things which a Government not so fortunately situated could not attempt. He was quite sure the measure would lead to the good of the people and the efficiency of the Established Church, to the strength of which it would add enormously. This question of patronage had agitated Scotland for many years, and from 1784 down to 1848, Scotland had protested against it. A great deal had been said

of the Act of Queen Anne, which from the days of his boyhood he had always heard spoken of as an act of injustice to the people of Scotland. It appeared to him in his maturer years one of the greatest blots on the Statute Book. He should like to know what the hon. and learned Member for Limerick (Mr. Butt) would say to it if it related to Ireland. No doubt he would make political capital out of it to an enormous extent. It was this Act of Queen Anne's which was the cause of the secession of 1843, and of all the Dissent in Scotland for many years past. The Act of 1712 was passed by a Government which wished to restore the Stewarts, and the manner and the speed with which it was galloped through both Houses of Parliament made it a standing disgrace to our statesmen that it was so long unrepealed. No doubt, previous to the disruption, there was a gross abuse of patronage. In those days there were no public schools to which the sons of gentlemen could be sent, and the practice was to have a licentiate of the Church of Scotland as a tutor in the House, with the promise of the family living when it became vacant. Thus these licentiates obtained the livings, not because of their fitness, but because they had filled the post of tutor to the patron's children. No doubt many excellent men obtained parishes in that way, but it frequently happened that they had attained considerable age before they obtained a living, and, of course, were not so active in their parishes as they ought to have been. That abuse of patronage led to the Veto Act, though he was amused to hear the right hon. Gentleman the Member for Montrose make that a charge against a former Conservative Government. He would ask the right hon. Gentleman whether, if he had been Sir James Graham, he would have given any other answer on that subject than that which was given? The right hon. Gentleman knew very well that no Government in this country could have given any other answer. Popular election had, however, been well tried, and had worked well; for there had been no cases worth mentioning of disputes arising out of it. Another reason why the Bill ought to pass was, that for many years in parishes where the patronage had been in the hands of the Crown, they had chosen their own ministers, and it was unfair to other pa-

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ishes that they should not have the privilege of choice. Exception had been taken to the communicants having in their hands the election of the clergy. For his own part he should have no objection to see the heritors take the initiative on the committee; but he himself thought the party to elect the minister ought to be the communicants. If others were admitted all the old disputes between heritors and ratepayers, and with the Court of Session, would be revived—all of which were civil questions. It was quite in accordance with the opinions of those who had studied ecclesiastical affairs in Scotland that the communicants were the only persons who ought to have the choice of the clergyman. That, at least, was the opinion of Mr. Dunlop, who would be admitted on all hands to speak with authority on the subject. He wished to say a word on the attitude of the United Presbyterian Church, which he contended ought not to be received with the same degree of weight as the attitude of the Free Church, because its representatives plainly stated that they were of opinion that the Church of Scotland ought to be disestablished. "Disestablishment" was their cry, and they had got up an association lately for that purpose. With reference to the Free Church, he had received a circular—which had been distributed to every hon. Member of the House and he must say he sympathized with the Church as to the treatment they had received in 1843; but did it not seem extraordinary that while they elected their ministers as the Bill proposed for the Established Church, they should object to the latter doing what they did? He would not enter into any controversy as to the details of the Return obtained on the Motion of the hon. Member for St. Andrew's Burghs (Mr. Ellice), as to the comparative numbers of the churches in Scotland, but he was quite sure that if the United Presbyterians and other Dissenting Bodies would agree to have a religious Census, the Church of Scotland would be found to have more members than all of them put together. He thanked Her Majesty's Government for bringing in the Bill in their first year of office, and he thought in the end it would tend to bring about a reconciliation between the sects and parties in Scotland. He had been told, only a day or two ago, by a Peer who had large

estates in the North, that it would be productive of a great "approach" between the Free Church and the Established Church of Scotland. It was true the Free Church leaders did not profess to anticipate that the Bill would draw the two together; but he was confident that in course of time there would be ecclesiastical fusion in Scotland, and that the Bill would, at least, prepare the way for that happy solution. For that reason he should give it his hearty support.

Mr. LAING said, he rose to support the Amendment of his right hon. Friend the Member for Montrose, because it would have been only fair and decent that the people of Scotland should have full opportunity of declaring their opinion on the important issues raised by the Bill. It raised a far larger question than that of patronage—the question indicated by the right hon. Member for Greenwich, whether, if they were to disturb the existing state of things by working a great and fundamental change in the constitution of the Church of Scotland, the time had not come when the whole arrangements of the Established Church ought to have a deliberate revision? The Lord Advocate said that that was a favourable period to consider the Bill. No doubt it was favourable, for the Body which was in the minority—namely, the Established Church. This measure was brought in by a surprise. The question of patronage was never raised, much less discussed, at the General Election. On the contrary, they were told that the people were weary of startling and sensational legislation, and that there was to be a period of repose. From the point of a surprise, therefore, the present was a favourable time for the Bill. It stood to reason that the United Presbyterian Synod and the other Bodies, committed as they were to oppose patronage should feel a difficulty in opposing the Bill, lest they should be thought to act like the dog in the manger, in saying that the Established Church should not now enjoy a freedom for which they themselves had sacrificed so much. But it was a larger measure. The question was, should the re-union of the three Presbyterian Bodies, which in doctrine, discipline, and all essential respects were upon a footing of perfect equality, be effected on the only possible basis of disestablishment, or whether it was to be

effected by giving a peculiar privilege to one sect, so as to enable it to draw the adherents of the others to itself? The mere fact that when a measure of this kind was brought forward, with all the weight and influence which an Establishment could bring to bear in its favour, there were only to be found 48,000 petitioners in its favour, was a sufficient condemnation of the attempt to bring forward such a question at this period of the Session. He asked the House, whether 48,000 signatures in its favour, formed a sufficient basis for a system of legislation which was averse to the feelings of the people of Scotland? The right hon. and learned Lord made another quite incorrect assumption when he said that those who opposed this measure opposed it on principles averse to Church establishments altogether. He begged to differ from that statement entirely. For himself, he approached this question in anything but a spirit adverse to the Church of Scotland. On the contrary, as a member of the Church of England, he had opposed the hon. Member for Bradford's (Mr. Miall's) Motion on the subject, and he could honestly say that he hoped the day might be far distant when the question of the disestablishment of the Church of England should be seriously raised in Parliament. He thought that while the condition of the Church of Scotland was anomalous, yet if they came to examine it carefully, it was a useful and venerable institution, and did a certain amount of good, and no great harm; therefore, it was a great pity to re-open all the animosities that must arise from the great contest on the question of Establishment. Being re-opened, however, they were obliged to look fairly in the face the issues that were wantonly and unwisely provoked. What was the advice of the Duke of Argyll? Speaking, with all the weight of his official position and long experience, to the Church, he said—"Whatever you do, keep it out of Parliament." He thought that if that noble Duke could have listened to the debate in the House to-night and had heard the speech of the right hon. Gentleman the Member for Greenwich, his opinion would be strongly confirmed, and he would have reiterated his advice to Established Churches to keep out of Parliament. What reason did the noble Duke give them for keeping out of Parliament? Because, he said, the mind

of Parliament and public opinion upon these matters was in a complete state of chaos. The reason was, they were drifting away from the original foundation of establishment, the supposed infallibility of the Church, and whether they should maintain an Established Church in any country was now as much a question of expediency as to whether they should make a telegraph or a railway. ["No, no!"] Tried by that test—which he believed was the true one, whatever hon. Gentlemen below the gangway might say—was there in this country any principle upon which an Established Church could be maintained? Then he asked, what was the position of the Church of Scotland? He took it to be a somewhat intermediate between that of the Church of England and the Church of Ireland. In the new communities across the Atlantic and in Australia, nobody thought of undoing the Established Church, but that was because no establishment existed. Although a strong argument, it was not quite definable. Yet so long as it did exist, and represented a tolerable majority, that majority being one not only in numbers but in intelligence, wealth, and influence, and all the elements that went to represent a country, while it existed and worked tolerably well they would let it alone. On the other hand, when they found that an Established Church was clearly doing more harm than good, and clearly in a minority, not only of the people, but that the majority of the people were greatly opposed to it—that it only excited angry feeling, and only injured the cause that it professed to support—then they would assist to do what they did in the case of Ireland—make a clean sweep of it, and abolish it. One of the great arguments that were used in favour of an Established Church was, that under the system of patronage you obtained clergymen who were scholars and gentlemen, who were tolerant and large-minded. But there was considerable danger that the members of a congregation who kept up the appointment of their minister by payment would intensify each other's religious prejudices. Could it be said that Church would not degenerate into a narrow and fanatical Church? These were not his own views, nor anything like them, but they were the views of enlightened and influential members of

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the Church of Scotland itself. They were the views not of the majority in that Church, but of men who were very celebrated, from the time of Robertson till now, who belonged to the moderate party in that Church, and who protested strongly against the popular election of ministers. If the Church of Scotland were disendowed there would be no disturbance as a consequence of such disendowment, and that Church would go on precisely as the Free Church did now. And as this question was opened which related to the excessive privileges enjoyed by that Church, had not the majority of the people of Scotland who did not belong to that Church a right to say "Put us all on an equality; do not give all the loaves and fishes to the Established Church and none to us?" The Church of Scotland would have been better, unquestionably, if there had never been a disruption, and the Free Church had never been in existence; but if they came to take the actual existence of the Church of Scotland into consideration, he wanted to know on what principle could a Parliament of a country which disestablished the Church of Ireland advocate the continuance of endowments in the Church of Scotland? Why, there was no claim on the part of the Church of Scotland to have a majority of the population for its adherents; whether they had one-third or two-fifths, it was equally clear that they had not got a majority of the people. Nobody pretended that they had. Those communicants' returns, fallacious as everybody knew they were, did not pretend to say they had. Granted that two-fifths belonged to the Established Church, and two-fifths to identical Presbyterian denominations, how could they maintain their claim for endowment, looking at the unequal way in which the two-fifths of the Established Church was distributed over Scotland? The question was, whether when they were going to re-organize the Established Church upon Dissenting principles, it should retain all its endowments? There were whole districts of Scotland where the Established Church was in a miserable minority, and other places where it had no members at all. In the county of Orkney the Established Church had about one-fourth of the population and the whole of the endowments. The institution of patronage was also closely

mixed up with Church endowment. There might be more religious life and vitality in a Church where the minister was elected by the congregation, but in the other case the appointment of the minister made him to a considerable extent independent of his congregation. If, in the Church of England they were to do what was now proposed to be done in the case of the Church of Scotland, how long did the House think they could maintain the Establishment of the Church of England? Yet, that was precisely what the Bill proposed to do in regard to the Church of Scotland. ["No, no!"] He challenged the right hon. and learned Lord, or any one on the opposite side, to show him in what respect the Church of Scotland, under the Bill, would differ from any other Dissenting denomination in Scotland, unless it might be that by the measure they were going to make them, if possible, more independent of the civil power, and more subject to the caprices of popular influence and popular election. As far as he was concerned, he said truly that if he looked at these things from a party point of view, he should be only too glad to see the Bill passed. He thought the right hon. and learned Lord Advocate had, without knowing it, dealt a trump card into the hands of the adversary, which, before the game was over, would win the odd trick; for from what he knew of his native country of Scotland, he felt certain that if the House passed this measure it would be the commencement of a great agitation for disestablishment and disendowment of the Church of Scotland. That agitation could have but one issue. The majority of the people of that country would say to the Government—"Deal with the Established Church of Scotland on the same principles on which you dealt with the Irish Church." But he would deprecate such an agitation, because he should be sorry to see a measure passed by a majority in that House, which would tend to create in Scotland feelings at all like those which prevailed in Ireland. He called upon the English Members not to use their majority by carrying in the Dog-days, and in what it might be hoped was the last month of the Session, a measure of that description, so vital to the feelings and interests of the people of Scotland, without giving them, at any rate, an opportunity of fully pronouncing their opinion upon it.

If the people of Scotland were favourable to the Bill, the right hon. and learned Lord Advocate would only fortify his case by postponing the Bill until their opinion was pronounced; but if the majority of the people of Scotland were against the Bill, it ought to be the desire of the House to endeavour to unite the various religious denominations of Scotland by removing the obstacles to that union—namely the patronage and endowments connected with the Established Church of that country.

SIR WILLIAM STIRLING-MAXWELL tendered his thanks to the right hon. and learned Gentleman below him, the Lord Advocate, for having introduced this Bill. He had been struck in the course of the discussion with the very anxious concern shown by hon. Members on the Opposition side of the House to avert disestablishment in Scotland, which they had so loudly proclaimed and so largely applied elsewhere. It was very kind and considerate on the part of the opponents of establishment to take that course; but he would venture to say the General Assembly of the Church, which had long advocated this or a similar measure, knew more of its own feelings, position, prospects, and duties, than the hon. Gentleman the Member for Orkney. That hon. Gentleman, following the lead of the right hon. Gentleman who had moved the Amendment, had told the House that this was a subject which did not occupy much attention at the General Election. He (Sir William Stirling-Maxwell) was quite willing to admit that to have been the case, but he thought he could give a pretty good reason why it was so. They must all remember a certain manifesto of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), in which he mentioned a great many exciting topics, but said nothing about this particular question. It would be a great mistake to suppose that, though not a prominent topic, it was not in the minds of men at the time. The subject was not one which commended itself to those electors, who occupied the distinguished position of catechists, of whom he would speak with all respect, but who nevertheless were not always the leaders and guides of opinion in their districts. But although these catechists refrained from putting any question on the subject,

questions were put in private by friends of the Church, which showed that the subject was very near their hearts. Indeed, that was not the first time that a desire to take up the question was felt by a Conservative statesman. The late Lord Eglinton, who was still affectionately remembered by many hon. Members of the House, and was known not only as a patriotic Scotchman, but as one of the largest holders of Church patronage in Scotland, 20 years ago expressed to him a desire that the question might be taken up, and even a hope that he might be able to deal with it himself. If that noble Earl had been spared, the noble Duke, the late Colleague of the right hon. Member for Greenwich, would have had an able Second in another place. It could not be expected that a great institution like the Church of Scotland would accept the rôle suggested by the hon. Member for Orkney—to sit still and wait patiently until the time was ripe for disestablishment. The Church of Scotland had known by bitter experience how much that question had weighed upon her fortunes. She had been for many years endeavouring to deal with it, and when the right hon. Member for Greenwich was a powerful Minister at the head of an united party, they all remembered what a dexterous damper he threw upon her hopes. Under more fortunate circumstances, the Church of Scotland had come to the right hon. Gentleman now in power, supported by a Lord Advocate well acquainted with the subject; and he would like to know, how could the Government do otherwise than listen to the prayer of the Church? The Church of Scotland had come before Parliament, by a large majority of her General Assembly, asking to have this Bill passed; and he hoped it would be passed not only by the assistance of an English majority, but of a fair majority of the Representatives from Scotland. If ever there was an occasion when a Government could not be accused of having taken a premature step, it was that occasion. There had been reforms which had been called "leaps in the dark;" but this reform Church, so far from being "a leap in the dark," was a very short step taken in broad daylight on a very firm road. The popular election which was proposed by the Bill had existed for many years in the Church of Scotland; either by the

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action of the Crown, in giving the right of nomination to the people, or by the counsel taken by private patrons with those among whom they lived; and the ministers so appointed were in no way inferior to their predecessors. It was also known that the same mode of election obtained among the Dissenting Bodies, and that the persons so appointed were, as a rule, men well fitted for office in the Church. He would ask them where the danger could be in following a plan which already existed and worked satisfactorily? He hoped, therefore, subject to certain modifications in Committee, the Bill would pass into law. The Church of Scotland not only from its connection with the State, but socially, intellectually, and morally, occupied a pre-eminent position in that country. It might not be the Church of an absolute majority, but it was the most important organization that Scotland possessed for religious purposes. It conveyed religious instruction to the people in a tolerant and enlightened spirit, and there was nothing in the Bill which would in any respect alter or mar that spirit. There was one point, however, upon which he hoped his right hon. Friend would reconsider his proposals, and that was with regard to compensation to patrons. The mode of compensation proposed was not such as the patrons of Scotland deserved at the hands of the Government. The proposal was, that such patrons as desired compensation should give notice to the sheriff, and then upon the election of a new minister, the patron was to have a right under that notice to take from that minister, a quarter of his stipend for the first four years. That was a proposal which, coming from the other side of the House, would have met with little mercy from this side. The patrons of Scotland, in discharging the important duties conferred on them by law, had in the main acted conscientiously and even generously. He, for one, was glad to be released from the onerous and thankless duty of a patron, and he was aware that much might be said for the view that for such relief no compensation need be made. But if compensation was due at all, let it be offered in some shape which a Gentleman might accept—and not in the shape of a right to inflict a severe pecuniary fine on the person whom a popular election was to make

his near neighbour. The right hon. Gentleman the Member for Greenwich had insinuated that the proposed compensation was very small, and told the House that in 1801 or 1802, a Scotch advowson was worth four years' purchase. When the right hon. Gentleman was obliged to go back so far, there seemed fair reason for believing that four years' purchase had long ceased to be obtained, or obtainable. The fact was the value of a Scotch advowson was not much more than that of "a castle in Spain." There was, however, great truth in much that had been said by hon. Gentlemen opposite. The friends of the Church were, in a great measure, retracing their steps and giving up the opinions of their forefathers. They were admitting that those who left the Church on this question of patronage were far-seeing men. The Bill was, to a certain extent, a retraction of past errors, and it was calculated to remove a stumbling-block from the path of the Church. That being so, why should they not throw the door wide open for the admission of all Presbyterians to that Church of Scotland which truly represented the religious feelings of the great bulk of its people? He knew that that was a difficult point to touch upon, and his right hon. and learned Friend below him would doubtless say that it was one to be dealt with rather by the General Assembly than by the House of Commons. But though they might again be exposed to the imputation conveyed by that wonderful word—which he would not presume to mention, had it not been used already—Erastianism, still in spite of all its terrors, he hoped his right hon. and learned Friend might be able in the Preamble, or in some other part of the Bill, to express Her Majesty's gracious desire that, placing her patronage at the disposal of Parliament, an important step might be made towards the union of the Presbyterian churches. The first possible result of the Bill would be to bring about a reconciliation between sects in Scotland now divided, but between which there existed no real difference. He therefore recommended the suggestion to the favourable consideration of his right hon. Friend the First Minister, believing that, if he saw his way to make the measure a measure of conciliation, he would add

If the people of Scotland were favourable to the Bill, the right hon. and learned Lord Advocate would only fortify his case by postponing the Bill until their opinion was pronounced; but if the majority of the people of Scotland were against the Bill, it ought to be the desire of the House to endeavour to unite the various religious denominations of Scotland by removing the obstacles to that union—namely the patronage and endowments connected with the Established Church of that country.

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questions were put in private by friends of the Church, which showed that the subject was very near their hearts. Indeed, that was not the first time that a desire to take up the question was felt by a Conservative statesman. The late Lord Eglinton, who was still affectionately remembered by many hon. Members of the House, and was known not only as a patriotic Scotchman, but as one of the largest holders of Church patronage in Scotland. 20 years ago expressed to him a desire that the question might be taken up, and even a hope that he might be able to deal with it himself. If that noble Earl had been spared, the noble Duke, the late Colleague of the right hon. Member for Greenwich, would have had an able Second in another place. It could not be expected that a great institution like the Church of Scotland would accept the rôle suggested by the hon. Member for Orkney—to sit still and wait patiently until the time was ripe for disestablishment. The Church of Scotland had known by bitter experience how much that question had weighed upon her fortunes. She had been for many years endeavouring to deal with it, and when the right hon. Member for Greenwich was a powerful Minister at the head of an united party, they all remembered what a dexterous damper he threw upon her hopes. Under more fortunate circumstances, the Church of Scotland had come to the right hon. Gentleman now in power, supported by a Lord Advocate well acquainted with the subject; and he would like to know, how could the Government do otherwise than listen to the prayer of the Church? The Church of Scotland had come before Parliament, by a large majority of her General Assembly, asking to have this Bill passed; and he hoped it would be passed not only by the assistance of an English majority, but of a fair majority of the Representatives from Scotland. If ever there was an occasion when a Government could not be accused of having taken a premature step, it was that occasion. There had been reforms which had been called "leaps in the dark;" but this reform Church, so far from being "a leap in the dark," was a very short step taken in broad daylight on a very firm road. The popular election which was proposed by the Bill had existed for many years in the Church of Scotland; either by the

action of the Crown, in giving the right of nomination to the people, or by the counsel taken by private patrons with those among whom they lived; and the ministers so appointed were in no way inferior to their predecessors. It was also known that the same mode of election obtained among the Dissenting Bodies, and that the persons so appointed were, as a rule, men well fitted for office in the Church. He would ask them where the danger could be in following a plan which already existed and worked satisfactorily? He hoped, therefore, subject to certain modifications in Committee, the Bill would pass into law. The Church of Scotland not only from its connection with the State, but socially, intellectually, and morally, occupied a pre-eminent position in that country. It might not be the Church of an absolute majority, but it was the most important organization that Scotland possessed for religious purposes. It conveyed religious instruction to the people in a tolerant and enlightened spirit, and there was nothing in the Bill which would in any respect alter or mar that spirit. There was one point, however, upon which he hoped his right hon. Friend would reconsider his proposals, and that was with regard to compensation to patrons. The mode of compensation proposed was not such as the patrons of Scotland deserved at the hands of the Government. The proposal was, that such patrons as desired compensation should give notice to the sheriff, and then upon the election of a new minister, the patron was to have a right under that notice to take from that minister, a quarter of his stipend for the first four years. That was a proposal which, coming from the other side of the House, would have met with little mercy from this side. The patrons of Scotland, in discharging the important duties conferred on them by law, had in the main acted conscientiously and even generously. He, for one, was glad to be released from the onerous and thankless duty of a patron, and he was aware that much might be said for the view that for such relief no compensation need be made. But if compensation was due at all, let it be offered in some shape which a Gentleman might accept—and not in the shape of a right to inflict a severe pecuniary fine on the person whom a popular election was to make

his near neighbour. The right hon. Gentleman the Member for Greenwich had insinuated that the proposed compensation was very small, and told the House that in 1801 or 1802, a Scotch advowson was worth four years' purchase. When the right hon. Gentleman was obliged to go back so far, there seemed fair reason for believing that four years' purchase had long ceased to be obtained, or obtainable. The fact was the value of a Scotch advowson was not much more than that of "a castle in Spain." There was, however, great truth in much that had been said by hon. Gentlemen opposite. The friends of the Church were, in a great measure, retracing their steps and giving up the opinions of their forefathers. They were admitting that those who left the Church on this question of patronage were far-seeing men. The Bill was, to a certain extent, a retraction of past errors, and it was calculated to remove a stumbling-block from the path of the Church. That being so, why should they not throw the door wide open for the admission of all Presbyterians to that Church of Scotland which truly represented the religious feelings of the great bulk of its people? He knew that that was a difficult point to touch upon, and his right hon. and learned Friend below him would doubtless say that it was one to be dealt with rather by the General Assembly than by the House of Commons. But though they might again be exposed to the imputation conveyed by that wonderful word—which he would not presume to mention, had it not been used already—Erastianism, still in spite of all its terrors, he hoped his right hon. and learned Friend might be able in the Preamble, or in some other part of the Bill, to express Her Majesty's gracious desire that, placing her patronage at the disposal of Parliament, an important step might be made towards the union of the Presbyterian churches. The first possible result of the Bill would be to bring about a reconciliation between sects in Scotland now divided, but between which there existed no real difference. He therefore recommended the suggestion to the favourable consideration of his right hon. Friend the First Minister, believing that, if he saw his way to make the measure a measure of conciliation, he would add

one more to the many claims he possessed to the gratitude of his country.

MR. LYON PLAYFAIR: This Bill must be viewed in different lights, even on this side of the House, according as hon. Members are favourable or hostile to State Churches. It is with a desire to promote the interests of the Church of Scotland that I approach the consideration of the Bill. I was brought up within that Church, and my forefathers were among its ministers. It has a strong claim upon the sympathies of all Scotchmen. By its agency the character of the Scotch people has been moulded, and they owe to it a deep debt of gratitude for the care which it has bestowed upon their temporal, as well as upon their eternal interests. It is as a Church of the people, from among whom its ministers have sprung, that the Church of Scotland has exercised its great influence on the development of the country. And it is only as a Church of the people that its influence can continue. Its doctrines do not differ from those of the Protestant Dissenting Bodies around it. In the eyes of Liberals, at least, no Church in this country possesses inherent rights of Ecclesiasticism or of Catholic pretension. A Church either exists as a Church for the people, or it should cease to exist as a Church of the State. The genius of the Scotch Church has always been democratic, and the Bill legislates in the direction of popular election; but it halts in its course. Formerly each church belonged to and included all the people of a parish. And even now the competing Churches profess the same standards as the Church of Scotland, and only differ from it in not possessing State endowments. The Bill, which abolishes patronage, converts a National Church into one of several self-contained religious communities. From the most primitive times of the Church, the whole body of believers was invited to aid in the election of ministers. It was "the whole multitude" that chose Stephen and the six other deacons, as described in the sixth chapter of the Acts. It was not a mere congregationalism which was in the mind of John Knox, when he laid down as a rule of the Church in the First Book of Discipline, that "it appertained unto the people, and to every several congregation, to elect their minister." What could be his object in introducing the

word people in addition to congregation, unless it were to give a democratic constitution to the Church? And only four years ago, one of the most respected elders of the Church advocated the same sentiment within the walls of the General Assembly. That elder, who justly spoke with authority, said—

"We propose that the trust should be devolved on the proper beneficiaries—the people of the parish—those who have the main interest in the selection of the minister."

The elder of the Church who spoke thus wisely is my right hon. and learned Friend the Lord Advocate (Mr. Gordon), the reputed author of the Bill. Had my right hon. and learned Friend viewed each church as the church of the parish, and trusted to the people of the parish the choice of the minister, as he recommended in his speech, I would have been an earnest supporter of his Bill. But he has done no such thing. He distrusts the people, and I fear that the people will soon learn to distrust his Church. No doubt, the Church hopes by throwing open its door more widely than in the past, to tempt the sheep which have strayed to re-enter into their ancient fold. But the Bill has not commended itself to the clergy of the Dissenting Churches, and they are the shepherds who have gathered the sheep securely into other folds. Nor is that to be wondered at, for the Bill is far too narrow in its conceptions to attain the end which it has in view. The Church, when it resolved to throw off the incubus of patronage, had a glorious chance for promoting union among the Protestant Churches of Scotland; but by timid counsels it has lost this chance. With few exceptions, Scotchmen have a common faith, and even a common form of worship. The Church of a nation, with inhabitants still clinging to its history and believing in its standards, might have thrown itself with confidence on the whole body of the people; but it has preferred to consider itself the Church of a sect. For the Bill limits the election of the ministers of the Church to its own communicants, and, in some way to be hereafter defined, to its immediate adherents under the vague term of congregation. Yet, there is not a minister of that Church who would deny that the communicants of the Free Church or of the United Presbyterians receive the communion in the same es-

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sential purity of faith as the members of the Established Church. Notwithstanding this identity of belief, the Church of the nation prefers to consider itself a self-contained religious community, and jealously guards itself from contact with the people for whose benefit the Church was established. No doubt, one object of the Bill is to confirm that establishment, by knitting more closely together the adherents of the Church; but in doing so, it the more effectually shuts out all the other Presbyterian sects around it. And this in a Bill which has for its main purpose comprehension! It is the old story of the Bill of Comprehension, which was introduced into the English Parliament in 1689, in order to reconcile Nonconformists with the English Church. That Bill was, however, too narrow to secure comprehension, and yet it was ultimately defeated by the clergy in Convocation because they thought it too wide. The result upon the Dissenters of the day was precisely the same as that now seen in the attitude of Free Churchmen and United Presbyterians in regard to this Bill. I cannot better describe this than in the words of Macaulay in describing the events of two centuries ago—

“Concessions therefore which would once have extinguished Nonconformists would not now satisfy even one-half of the Nonconformists; and it was the obvious interest of every Nonconformist, whom no concession would satisfy, that none of his brethren should be satisfied.”

This is the general history of all tardy concessions. If this Bill be one of comprehension, it ought to be comprehensive enough to induce Dissenters to adopt it. For the primary fact must not be lost sight of, that the minister of a parish is paid by taxation to give the benefits of his Church to the whole parish, and not merely to one particular congregation in that parish. The essential principle of the Church of Scotland, when it was established by the Revolution Settlement, was that it was founded “in accordance with the mind of the Scottish nation.” Consequently, the General Assembly was constituted so as to represent the nation. Seventy Royal Burghs and the Universities send elected Representatives to the supreme Legislature of the Church. In their election there is no limitation to communicants. The whole body of

the people are the ultimate electors, who send members to the Assembly from the Burghs to protect the interests of the Church, and they have never betrayed the trust reposed in them. Why then does the Bill show such jealousy, by excluding the people from the election of the minister of a parish?—[The Lord Advocate: In burgh elections for the General Assembly the elder must be a communicant.]—My right hon. and learned Friend the Lord Advocate, interrupts me with the remark that these representatives must be communicants. If he means by that, to state that this gives security in the election, I reply that you would have a greater security in the election of a minister by the people, because in every case he must not only be a communicant, but he must be a licentiate of the Church. To have entrusted the election to the people would not have been a novelty in the Church. Town councils, elected by ratepayers, exercise, or have the power of exercising, patronage in the case of 44 ministers. In the church of North Leith, the election of ministers has long been vested in the ratepayers, who have uniformly chosen members of eminence. The Duke of Argyll, in “another place,” has pointed to this instance as a warning, because the electors have frequently been dilatory in the election. But the Bill provides for such cases by giving to the Presbytery a *jus devolutum* in default. On the other hand, it is not a little remarkable that the General Assembly, in a recent Report, pointed to that very church as an example of active religious life, indicated by the large numbers of its communicants. And they were right, for the Return just issued shows that it is, with three or four other churches, at the head of the communion rolls. Another church, with a freeman franchise exists at Newton-on-Ayr, and it is quite remarkable as a nursery for eminent ministers. Among those who may be instanced at present are Caird, Burns, Boyd, Stewart, Wallace, and M’Leod. These instances of popular election, though limited, are remarkable in their results, and in no way justify the fears of those who look upon such a proposal as wild and frantic. But I readily admit that public opinion in Scotland is not in favour of a ratepaying franchise for the election of ministers. And that is sufficient justification to the Government for

not including it in their Bill; but it is no justification for preferring a narrow sectarian franchise to a wide religious one. If the Bill had even confined itself to the large interpretation of the Scotch Kirk given by early Reformers, I would have been satisfied. In one of the statutes of 1567, which laid the basis of the Reformed Church, the subjects of the true and holy Kirk are defined to be—

“the people of this realm that profess Christ as He is now offered in the Evangel, and do communicate with the Holy Sacraments, as in the Reformed Kirks of this realm they are publicly administered according to the Confession of Faith.”

The Bill might have been made a true Bill of Comprehension had it followed these large views of the early fathers of the Church. But now it rejects both tradition and experience. It at first limited the franchise to male communicants in the parish church, though in its amended form it admits female communicants and the undefined congregation. But it strictly limits the franchise to declared adherents. The communicants still form the main ground-work of the system of election. That would seem to indicate a belief that the communion roll is the most stable and regular expression of the action of the Church. At present, it no doubt is so; but in the history of the Church, it is far otherwise. I need quote only two cases to prove that. The Articles of Perth, in 1618, enjoined the practice of kneeling at the Sacrament. The people contended that that was wrong, because Christ and his disciples took the Last Supper while sitting. Accordingly, they refused to obey the Articles of Perth. Even nine years after, on Easter Sunday, then a high festival, only seven persons in all Edinburgh could be induced to receive the Communion. The ministers soon after petitioned the King, and told him that, while they counted their congregations by thousands, there were few or no communicants in the churches. The same disappearance of communicants took place in the period from the Revolution to the Restoration owing to the conflicts between the Resolutionists and Protestors. For though the latter professed to give the sacramental feasts more frequently than before, they cut off more than half of the candidates as unworthy. But even in our time, it has occurred in many Highland parishes

owing to the action of the Free Church. We are, therefore, asked to take as the basis of the electoral system, that constituent part of the Church which has been subject to the greatest fluctuations in its history. The communicants in the Scotch Church are not a body constituted by their own conscientious convictions merely. In the English Church there is no bar between the conscience of the communicant and the altar, unless he is a notorious evil-doer. But in Scotland the minister and elders must approve, and the communicants must take up with them their tokens of approval. Now, I do not intend to insinuate that the elders would manipulate the communion roll, as agents do an ordinary electoral roll for a Member of Parliament. But as soon as you convert the sacred institution of the Sacrament into a political engine of the Church, you create temptations and open up the possibility of an abuse. That is not a wild idea. Lord Moncreiff, in giving evidence before the Committee on Patronage, stated that when a parish was likely to become vacant, and the patron intimated that he was to give the election to the communicants, the communion roll was increased from two-fold to three-fold. That is not a state of things to be desired, for it clearly indicates that a love of political power and not a love of God swelled the communion roll on these occasions. I think the Government were right in assenting to the introduction of female communicants, for the equality of both sexes at the communion table is absolute, while the earnestness of religious sentiments and convictions is probably greater among women than among men. Nevertheless, the admission of female communicants is not an unmixed advantage, for they considerably outnumber the male communicants. Over the female mind, the clergy always exercise great influence, and this fact increases the strange anomaly of the electoral body proposed by the Bill. For, as the communicants are in a certain sense elected by the ministers and elders, you constitute an electoral body to elect those by whom it is itself elected. I am glad, therefore, that the Duke of Argyll, who has an historical right to interest himself in the Church of Scotland, has persuaded the Government to include the congregation. Undefined as that is, and

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strange as it is for this House to legislate for a body which it declines to define, I heartily support the addition, because I am glad of anything that broadens the basis of the electoral body. With that view also, I would welcome the addition of heritors in the broadest sense which could be done, but even in the narrow restriction, to stipend-paying heritors. The Act of 1690, which abolished patronage, vested it in the heritors of the parish and the elders. But this Bill ignores heritors altogether, and thus severs the Church from the owners of property, although it still draws its resources from them. That is a very dangerous proceeding for a State Church. Many of the largest heritors in Scotland do not belong to its Church; but that circumstance has never stood in the way of their lively interest in that Church. Even in the Revolution Settlement of 1690, when Episcopalians still smarted from their loss of power, the heritors heartily co-operated with the elders in the election of ministers. But this Bill does not proceed with the wise confidence of our forefathers. You still compel the heritors to keep up the Church by a tax upon their land; but you disfranchise all dissenting and all non-resident heritors, and yet expect them to retain their interest in the Established Church. But when they are cut off from its patronage and from its management, what object will it be to them to act as a barrier against the wave of disestablishment? There is some experience in point. The heritors had the fee and management of the parish school; but when that was removed from them by a relief in taxation, they readily loosened their hold. Is it not obvious that they will not be very careful in insisting on their rights to pay for the support of a Church, in regard to which they have ceased to possess either responsibilities or interest? Of course, it may be contended that the heritors, when they are Presbyterians, may still retain their interest in the Church, either as communicants or seat-holders. But this personal or theological connection does not strengthen the case. As a communicant a heritor may vote, though he does not pay a farthing of stipend; but if he be not a communicant, he has no vote, though he may pay all the stipend. His right to share in the election should be directly through his property which is

taxed. His exclusion from the affairs of the Church by a theological barrier weakens the Church exceedingly, and removes from the election of its ministers a calm and impartial body of men who have hitherto exercised a most important and salutary influence on the affairs of the Church. I quite see the difficulty which the Government are in. No doubt, the Lord Advocate would willingly consent to include the old Church heritors. But then he has to face two difficulties. First, by doing so, he admits persons who may neither communicate nor belong to the congregation, and these are the principles of his Bill. Then, by doing so, he gives a powerful argument to the Liberal party, who demand a broader and more liberal basis for the electoral body. If the door be opened, even by a chink, to admit heritors of the old scale of valuation, the heritors of the new scale may force themselves in. I agree, that result must sooner or later follow in the case of a national Church. The Free and the United Presbyterian Churches may do what they like in the election of their ministers, for they are sects self-contained; but a national Church, professing to be a Church of the people, is only coterminous with the nation, and has no right to be exclusive. I press that view because I am firmly convinced that the Church of Scotland, as a State Church, cannot long survive such a narrow conception of its relations to the people as this Bill implies. By the abolition of patronage, all the Presbyterian Churches stand on a common platform. The other Churches separated from it chiefly on the question of patronage, and when that is removed, it requires a strong ecclesiastical microscope to understand the differences between them, except the patent fact that one Church is paid by the State, and the others are not. As regards principles, the State and Dissenting Churches will henceforth be identical. But the principle of popular election of ministers is that for which the Dissenting Churches suffered and laboured; and the State Church now asks by this Bill, that the Free Church and the United Presbyterians should retain all the effects of that suffering, while the State Church should reap all the fruits of their labour. The one difference of endowment will now protrude itself in greater proportion than

before. The other Churches declare that they will not coalesce with a State-endowed Church. Are they likely to remain passive spectators? On the contrary, is it not certain that religious strife will increase—that Israel will continue to envy Judah, and Judah to vex Ephraim. I believe that the Church of Scotland might have strengthened itself mightily against these attacks, had it boldly trusted the people and made it their interest to defend it. For every parishioner has a legal right to the parish church and to its privileges if he be willing to avail himself of them. To shut out the parishioners, and to draw a narrow circle around communicants and adherents, is to make the confession that the Church is no longer of the people, and is content to remain an endowed sect. In the present progress of political feeling in regard to religion, how long will such an endowed sect last? I confess that I do not understand why the Dissenting Presbyterian Churches dislike this Bill. If I were like them, an enemy to an Established Church in Scotland, I should rejoice to see the Bill pass into law. What, under such circumstances, is to induce the State to continue its connection with the Church? At present, the Government has a strong inducement to support the Church, because it is ultimately responsible for the election of one-third of its ministers. That responsibility ends with this Bill, when it becomes law. In like manner, the town councils and the Universities were interested in the Church, through their responsible patronage. The interest of the former at least ends with this Bill. I do not dispute the propriety of taking away patronage from these bodies, and I admit that it may strengthen the Church as a religious community; but it is obvious that you are removing strong buttresses which supported it as a national Church. The hon. Baronet who has just spoken (Sir William Stirling-Maxwell) says he sees no danger in all this, for he does not find any marked hostility in the nation. But the danger does not consist in any desire of the nation to rid itself of the Church, but in this deliberate attempt of the Church to rid itself of the nation. This Bill is no doubt conceived in a Conservative spirit; but it is Conservatism dealing with democratic tools, to which

it is not accustomed, and which it is too timid to handle with efficiency. The Church of Scotland, like all the other institutions of the country, experiences a pressure from the democratic spirit of the age, and feels itself obliged to move onwards. My hon. Friend the Member for Perthshire (Sir Graham Montgomery) admits this necessity for movement, but says it is a mere step forward on an even road. The real cause of the movement is, that it is the reply of the Church to the contemplated union of the Free Church and the United Presbyterians. The Church of Scotland knew that patronage had been a great disruptive force within it. That force has produced great yawning chasms, which have been consolidated by time, and are not likely to be re-united into solid ground by this puny effort. The Church, finding that it cannot stand still, tries to leap over these chasms by a bound; but it lacks the courage, stands shivering on the brink, and ends by jumping backwards, instead of forwards. The authors of this Bill think they can use democracy for the purposes of Conservatism by putting upon the former a sacerdotal drag. In my view, no error could be more fatal to the Church. For what does the Bill do? It lessens the connection of the Church with the State, cuts it off from the land, and severs it from the great body of the people. Not a few Scotch Members—in fact, almost all on this side who may record their votes for the Bill—vote in the belief that it is a bad Bill. Some openly declare that they give it their vote, because they think it will altogether undermine the Church of Scotland as a State Church. Others will vote for it, because they approve the principle involved—the abolition or *quasi*-abolition of patronage, though they admit the application of that principle to be thoroughly bad. I do not understand this. I may approve of the principle of capital punishment, but it does not follow that I am bound to vote for a Bill to draw and quarter a criminal. I, too, approve of the abolition of patronage as a principle; but I cannot vote for a Bill which I believe is at least injurious, if not destructive, to the Church of Scotland as a State Church. My convictions may be foolishness to many, but to my own conscience they are clear and strong. They have not been formed lightly, for I have tried to

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distrust them, when I saw that it was the Church itself, through its Assembly, which was deliberately knocking away the buttresses which I view as the chief support in its connection with the State. It will be a small matter for an individual like myself to have been wrong in his estimate of the future; but I cannot, with these convictions strong upon me, help to open the wind-gates, so that the wild blasts may beat against that Church which I have venerated from my boyhood.

COLONEL ALEXANDER: Sir, both as a Representative of a Scotch county, and as taking an intense interest in the subject under discussion, I may perhaps ask the indulgence of the House in making a few observations, and in offering my humble but nevertheless hearty congratulations to Her Majesty's Government on the introduction of a Bill which I think will do much to promote the prosperity as well as conduce to the stability of the Church Established in Scotland. Sir, I am unwilling to introduce party politics into a question of the kind, but as the right hon. Gentleman the Member for Montrose (Mr. Baxter) has taunted, to-night, the Tory party with having done nothing on this question in 1843, I must ask him, what the Whigs did in 1833? Sir, this was not a question of a year only; it was called "the ten years' conflict." When Dr. Chalmers proposed the Veto Act in 1833, the Whigs were in office, but they did nothing; and in the following year, when Dr. Chalmers again proposed and carried the same Act, they still did nothing. Then followed the decision of the Court of Session, when the Judges, by a majority of eight to five pronounced the Veto Act illegal, but the Whigs made no sign. Finally, when the House of Lords affirmed the judgment of the Court of Session, they acted as before and were not in the least alarmed, thus justifying the saying of that excellent Whig (Lord Cockburn) that "the Whigs were quite as bad as the Tories." Sir, let bygones be bygones, and let neither party throw stones, for both live in glass houses. Nominally, Sir, this is a Bill for the abolition of patronage, but in reality, as has been well stated in "another place," it is rather a Bill for the transference of patronage, for, in fact, placing it on a broader and more popular basis. For I may be permitted to remind hon.

Gentlemen not conversant with Scotch ecclesiastical affairs, that patronage in Scotland is not, and never has been, in the same position, as it has occupied, and still occupies, in England. As Lord Cockburn well says—

"The case in its truth is not pervious at all to the English understanding. Hostility to patronage has never been a popular feeling indigenous in their Established Church. The independence of Ecclesiastical Courts is an idea that cannot arise in a Church which acknowledges the Crown as its head. The mere claim of a right to reject a Presentee without giving good reasons is incomprehensible to an Englishman."

and a noble Duke, to whom Her Majesty's Government owe a deep debt of gratitude for the assistance he has afforded them in their endeavour to pass this Bill, declared three years ago, when the subject was incidentally discussed—

"In Scotland, ever since the Reformation, there has been no absolute patronage. During the whole of this period, by the law of the Church, and during a great portion of it by the law of the State, the communicants and parishioners had an almost co-equal right with the patron to the appointment of the ministers. At all times they had been largely consulted, and at no time had it been possible, without serious danger to the interests of the Church, for the patron to exercise an arbitrary choice as he could have done in England."—[3 *Hansard*, ccvi. 458-9.]

But, Sir, as on the one hand, there has never been absolute patronage, so neither, on the other, has there been unrestricted popular election. I think it is only fair to Her Majesty's Government to bear this fact in mind while appraising the value of the concessions they propose to make in this Bill. Sir, I am not going to weary the House with any historical disquisition on patronage; but this, I hope, I may be allowed to show, that even in the two periods between 1649, and 1662, and again between 1690 and 1712, which have been termed the golden eras of the Church, patronage existed, though certainly in a very modified form. We have been warned, Sir, against reference to musty old documents, but evidence taken before a Select Committee appointed by a House of Commons, of which certainly the right hon. and gallant General the Member for Wenlock (General Forester), and I think also the noble Lord the Member for Marlborough (Lord Ernest Bruce) were Members, can, I would fain hope, scarcely be considered musty. Sir James W. Moncrieff, acknowledged to be one

of the highest authorities on this subject, said before the Select Committee of 1834—

"That the law of 1649 did not abolish patronage properly speaking, but vested it in the Kirk Session, through the General Assembly."

And again speaking of 1690, the same witness said—

"The law of 1690, which gave the right not to the Church, not to the people, but to the heritors and elders, was nothing else than a species of laic patronage."

And the main point uniformly insisted on by the Church was from the beginning, and at all times, this, that no person should be intruded as a minister contrary to the will and consent of the people. The only document of weight which claims for the people the right of absolute presentation is the First Book of Discipline, to which the right hon. Gentleman the Member for the University of Edinburgh has alluded, but which, as he well knows, was never the law of the Church, and never received the sanction of Parliament, and which was, in fact, on this point superseded by the Second Book of Discipline, which vested the right of patronage in the Presbytery. And, I may add, that Dr. Lee, another witness before the same Committee, confirmed Sir James W. Moncrieff in almost every particular. Well, Sir, no doubt the Act of 1712, created great discontent in Scotland. It was a Jacobite, or if you like the term better, a Tory plot; but let not hon. Gentlemen opposite be too much elated by this admission, because I must remind them, Lord Stanhope says the Whigs of those days corresponded to the Tories of these. I really must, however, protest against an assertion made last year by a noble Earl (the Earl of Rosebery) in "another place" who stated that the consequence of the passing of the Act of 1712—

"Was, that a year afterwards, a measure for the repeal of the Union was brought forward in the Upper House when the numbers were equal, and the Union was only saved by a majority of four proxies."—[3 *Hansard*, ccxvi, 1043.]

Now, Sir, this is really arguing on the *post hoc ergo propter hoc* principle, for Burnet, who is an unimpeachable authority, says that—

"Because a duty was imposed on malt all the Scots of both Houses met together and agreed to move for an Act dissolving the Union, and it was stated in the House of Lords, that 'the imposition which was to be laid on their malt

would prove an intolerable burden for the poor of that country and force them to drink water.'"

How the hon. Member for the Eastern Division of the West Riding (Mr. Fielden) would have delighted in those days, and how degenerate he must think the Scots of one House, at least—not one of whom, I believe, was found to support him in his effort to repeal the duty on malt. But, Sir, not to be further tedious, from that time to the great Disruption of 1843, with the exception of an interval of about 40 years, when the land had rest, the people never ceased to protest against lay patronage, and gave, moreover, evidence of the sincerity of their protest by abandoning the Church in considerable numbers, on two occasions, in the course of the last century. But it has been said, and said, too, in influential quarters, that whatever may have been the case some time ago, there is now no demand for this measure, that it was scarcely mentioned during the progress of the late General Election—that Scotland is perfectly quiescent under the yoke of patronage; and that ministers would have done well not to revive animosities dormant, if, indeed, they were not happily buried 30 years ago. Well, Sir, there may have been no out-door agitation on this subject, but I have always understood that it is the part of true Statesmanship to anticipate and forestal out-door agitation, and so nullify, or at least render innocuous the action of mob orators and demagogues. But I am prepared to show, and it cannot, indeed, be denied, that the mind of the Church of Scotland has been appropriately and unmistakably expressed through its legitimate channels—namely, the Church Courts of the country, which have given forth no uncertain sound, and have declared by constantly increasing majorities that lay patronage ought to be abolished. But more than this—only last year a noble Earl (the Earl of Airlie) late Lord High Commissioner to the General Assembly, in "another place," and my hon. Friend the Member for Fife (Sir Robert Anstruther) in this House, almost simultaneously brought forward Resolutions on this subject, couched, I believe, in identical language. My hon. Friend said, on that occasion, he thought he could show, and I am bound to say I think he successfully showed—

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"That it was according to the genius of the Presbyterian Church of Scotland that the election of ministers should be in the hands of the people."—[3 *Hansard*, ccxvi. 1090-91.]

Well, Sir, how did the right hon. Gentleman the Member for Greenwich, then the First Minister of the Crown, meet the Resolutions of my hon. Friend? The right hon. Gentleman said then, what the right hon. Gentleman the Member for Montrose (Mr. Baxter) repeats to-night, that very important changes have occurred since 1834, and that further inquiry is expedient. Doubtless, a good deal has happened in the interval, but in my humble judgment, very little which can affect the discussion of the subject now before the House. The right hon. Gentleman the Member for Greenwich proposed last year—

"That Parliament should be invited at the earliest fitting opportunity to resume these investigations of 1834, so as they might have the opportunity of gathering material and satisfying the House as to the real convictions and wishes of the people of Scotland in regard to the law of patronage."—[3 *Hansard*, ccxvi. 1107.]

But, Sir, when I look at the exhaustive Report in the Library on this subject, I am wholly at a loss to understand what further material there can be to gather, or what remains to be elicited, unless it be the question of the exact numbers appertaining to the Established Church. Well, Sir, as a matter of curiosity, that may be an interesting question to solve, but I cannot see how its solution can affect the question of the maintenance or the abolition of patronage. But, Sir, to those who can read between the lines, there is in the wording of the Resolution of the right hon. Gentleman opposite (Mr. Baxter) a thinly-veiled attack on the Church established in Scotland. It certainly appears to me extraordinary that we cannot deal with a matter which, after all, is one of purely internal organization, without raising, as the hon. Member for Orkney (Mr. Laing) has done to-night, the question of disestablishment and disendowment. If hon. Gentlemen opposite are so enamoured of the subject, why not repeat the highly successful experiment of last year, and move a direct Resolution in favour of disestablishment? Only let me remind them that on that occasion they received cold comfort from the right hon. Gentleman the Member for Greenwich, who even hinted a doubt whether the disestablishment of the Irish Church had

been perfectly and in all respects successful, and who, in reply to a direct Question put by an hon. Gentleman no longer a Member of this House, said he was of opinion, thought had become less free in the Irish Church since its disestablishment. Sir, it is contended that if the abolition of patronage had been conceded in 1843, such a concession would have been a wise and statesman-like measure, but that a similar concession in 1874 involves an injustice to the Free Church. But, Sir, those who so contend forget, or at any rate ignore, the fact that the secession of 1843, although the largest, was not the first secession on the ground of the maintenance of patronage. You must begin *ab ovo*, and you must go back, not to 1843, but to 1733, when the first Secession Church was formed. Therefore, Sir, if this argument be sound, the abolition of patronage in 1843 would have involved an act of injustice to the Secession and Relief Churches, united in 1847 under the name of United Presbyterians. And, Sir, we have it on the indisputable authority of Lord Cockburn that the Secession and Relief Churches did, 35 years ago, protest, as they and the Free Church are protesting now, against the abolition of patronage. They stated distinctly—and I particularly invite the attention of the House to the statement—that there was only one way in which they could permit the Church to be assisted in seeking deliverance from patronage, intrusion, and civil interference with their ecclesiastical proceedings, and that was—

"by joining them in an application to Parliament to demand, as the certain, safe, and complete remedy for these evils, the immediate and entire abolition of the connection between Church and State."

That is—become Dissenters, and we shall help you; if not, we shall help your enemies to keep you subject to what we think an intolerable and unscriptural grievance; and one of the leaders went so far as to say that—

"the Dissenters having invested money in churches and endowments on the faith of abuses in the Church, it was unfair in Government or in any Liberal man to do anything towards the correction of these abuses."

But, Sir, I may be asked—Do you think that, if the Bill becomes law, it will have the effect of re-uniting with the Church any considerable number of the Dissenting Bodies? Well, Sir, I may state that

a great deal of misconception prevails on this point. A writer in *The Times*, subscribing himself "Anglicanus," and professing great admiration for Scotch Presbyterians, sees no reason, considering the almost absolute identity of doctrine and form in all the Presbyterian Bodies, why, if patronage be abolished, a happy re-union should not be effected between all the Dissenters and the Establishment. Sir, you might as well attempt to mix oil with water as effect an amalgamation between the Establishment and the United Presbyterians. I hold in my hand the statement of the United Presbyterian Synods' Committee on Disestablishment regarding the Church Patronage Bill, which states that—

"The Bill is directly antagonistic to the position which the Synod firmly holds—that the legislation immediately demanded, and which alone can meet the circumstances of the case, is disestablishment and disendowment. There is nothing in the Bill for which those should spare it who know the more excellent way. The strongest reasons exist why both patronage and endowment, as parts of one system, should be at once abolished."

So much for the United Presbyterian Church; but, although the Free Church recognizes that it is the duty of the civil magistrate to maintain an establishment, I do not think many of that Body will return to the Church, because the only establishment they are prepared to acknowledge is one which I am sure the Legislature will never be disposed to concede. Here, Sir, is the Report of the Committee of the Free Church of Scotland on legislation respecting patronage, in which is stated a fact with which, indeed, I was previously well acquainted—

"That the existence of patronage was not the ground of the disruption. The Church was called upon to obey the law—that is to say, to take the decisions of the civil courts as authentic declarations of the limit of her jurisdiction, and as authoritative declarations of the limit of her jurisdiction, and as authoritative directions with respect to particular acts of it."

In the words of Lord Cockburn—"as a separate and independent power, the Church was wholly superseded." Yes, Sir, and I apprehend, never to be restored. The day is past when the civil will tolerate the co-existence of an independent ecclesiastical authority. And yet, Sir, in the face of these avowedly hostile proclamations from the two chief Dissenting Presbyterian Bodies in Scotland, it is gravely proposed—and the proposal is endorsed by many hon. and

right hon. Gentlemen in this House—to commit the patronage of the Church to those who thus unblushingly declare it to be their mission, on the first favourable opportunity, to destroy it and raze it to the ground. When I think, Sir, of the noble conduct of the secessionists in 1843, who, as the same eminent authority says—

"cast off the establishment from no political motive, but purely from dictates of conscience, the sincerity of which is attested by the sacrifice, not merely of professional station and emoluments, but of all worldly interests."

"Conduct to which," he adds, "he knows no parallel." I regret that their descendants should have adopted their present policy, and I regret also that the United Presbyterians do not make their own the language of that eminent secessionist, Dr. McCrie, who stated before the Committee of 1834 that, although the abolition of patronage would not induce him to re-enter the Established Church, he thought it would operate in the most salutary manner for the Church herself. Sir, the Synod of the United Presbyterian Church says, to abolish patronage is to throw off the legitimate control of the State over its beneficiaries, but, what control does the State exercise over the rights of private patrons, who generally know nothing of their benefices, and who may be of any or of no religion at all? What control does the State exercise over the patronage of town councils? Doubtless, those bodies generally make excellent appointments, but sometimes also they make great mistakes, as in the notorious Queensferry case, where the town council appointed a gentleman who had contested Kilmarnock with Mr. Bouverie, and who, although he might very possibly have made an excellent Member of this House, was scarcely a person suited in all respects to become the spiritual director of the people of Queensferry—at least, they thought not, for they protested strenuously against the appointment. The State, it is true, possesses about one-third of the patronages; but it has for some time practically ceded to the people its rights, and it is desirable to establish formally what has been already conceded virtually. Then, Sir, the Act known as Lord Aberdeen's Act has now been in operation 30 years, and has not operated successfully. Lord Cockburn mentions some objections made under it to presentees, which, perhaps,

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the House will allow me to quote. The presentee to Banff was—

“reported to be subject to an occasional exuberance of animal spirits, and is considered to be destitute of a musical ear, which prevents the correct modulation of his voice. The presentee to Kirkholm had an unnatural conformation of one of his feet, which made him halt in his gait, and assume grotesque and unnatural attitudes and action in the pulpit. The presentee to Kilbrandon not only read every word of his sermon, but his reading was uniformly bad, stuttering, often ungrammatical, always without emphasis, measure, or pathos, retaining the same heavy, unnatural intonation of voice in every stage of the discourse, whether argumentation, illustration, application, or exhortation; and all this without one redeeming look, attitude, or gesture to attract the interest or command the attention of his audience.”

In one word, his ministerial gifts and qualities appeared to be of the most stunted and cramped character. The great objection was, that neither the man, nor his sermons, nor his general ministry, were “soul-searching.” I think the House will be of opinion that it is not desirable to perpetuate this state of things. I am glad, Sir, that the town council of the great City of Glasgow are in favour of the measure, and ready to abandon their patronage. There was, it is true, a minority against the measure, one of whom stated that he opposed the Bill in the interests of the Church, which, however, turned out to be the pecuniary interest of the Corporation, because he moved a resolution—a resolution adopted, I believe, by the town council of Dundee—that compensation should be awarded to town councils for the loss of their patronage. But, Sir, in abolishing patronage this House should distinctly fix who the electors are to be, and not throw an apple of discord on the floor of the General Assembly. Above all things, in escaping from the Scylla of patronage we must not fall into the Charybdis of unrestricted popular election. Sir, if the *cultus instantis tyranni* is terrible, the *civium ardor prava jubentium* is infinitely more to be dreaded. I am acquainted with a case, of which my hon. Friend the Member for Renfrewshire has some knowledge, in which the guardians of an infant patron gave to the people the right of presentation. The majority selected the assistant of the former minister, but a large minority, comprising many of the most intelligent residents in the parish, considered the presentee unfit for the appointment, and protested so

strongly that the guardians, after a great deal of unseemly squabbling, were obliged to resume the right of appointment. They accordingly nominated a minister, who gives universal satisfaction. To obviate these and similar difficulties, I think a sort of electoral college or standing committee should be formed in every parish, ready to act on the occurrence of a vacancy. Sir, 32 years ago Lord Cockburn said—“I think I see the Church nodding, not to its sleep, but to its fall.” Sir, if I saw the Church lukewarm—neither hot nor cold—I should indeed be apprehensive of such a catastrophe, but because, on the contrary, the ministers of the Church are able, earnest, and devoted men, because the Church itself is doing a great and important work at home and abroad, I believe the hour of its dissolution to be yet far distant. The Church is, and I hope long will be, affectionately cherished by the people of Scotland, even by those who differ from it most, the more so because it is about to rid itself of the incubus of patronage, and because within its precincts will no more be heard the humiliating cry—“Put me, I pray thee, into the priest’s office, that I may eat a piece of bread.”

MR. LEATHAM: Sir—Whenever a Scotch question is before the House, I feel as though I ought to apologize to my hon. Friends from the other side of the Tweed for attempting to take part in the debate, so ample is the mastery which they invariably display over all questions affecting Scotland, and so profound is my ignorance of the rich Doric nomenclature, without which it would seem to be impossible adequately to discuss those questions. But, Sir, the subject which is now under discussion touches upon principles which are of wider application, and that is why I venture to ask the indulgence of the House while I make a few remarks upon a Scotch Bill. The Lord Advocate and hon. Members who have supported the second reading of this Bill, have laboured hard to show that if it should become law, it will tend to strengthen the Establishment in Scotland. I am unable to follow hon. Gentlemen to that conclusion. Scotland is a very practical country, but it is a highly contentious country, and there is no subject upon which there exists quite the same power of contention in the Scottish mind, as upon all that relates to the

Gospel of Peace. Everybody in Scotland would seem to be religious—even Dukes; and to approach the discussion of all questions relating to religion with a zeal which is always vehement and sometimes overbearing. There is no corner of the earth which is capable of accumulating quite the same fund of Christian hatred, quite the same magazine of jealousy and resentment against ecclesiastical usurpation. Well, Sir, such being the well-known character of the Scottish people, how long do hon. Gentlemen suppose that public opinion in Scotland will tolerate the existence of a State Church defined and limited as you propose to define it under this Bill?—a State Church in all that belongs to the vital and cardinal question of the appointment of ministers, divorced from the Crown and the land, from everything which is fixed and stable, from the wide area of the parish, shut up within the four walls of the kirk, and deprived of all the influence belonging to tradition and usage and acting as a sedative upon that logic of the Scotsman, which, when it is once fairly upon its feet, is remorseless and implacable, and almost as imperious as a ducal devotee. The moment that the Church ceases to be the Church of the parish, the question arises with irresistible force—Then why is the parish bound to maintain it? Pass this Bill, and upon what will that claim rest? Upon ancient usage? You are overturning ancient usage. Upon the presumption of a purer creed, or a superior system of Church government? In Scotland everybody believes the same thing, and all Presbyterian systems of Church government are identical. But will it rest on a superiority of numbers? Even accepting the unintelligible statistics of the Church, she is the Church of the minority. A noble Duke who, although he is not the father of this Bill, has exhibited a vivacity of affection for it which would do honour to any parent, is reported to have said in “another place,” that even after this Bill had passed, he would base the claim of the Scotch Church to be considered national upon three facts—on the fact that her creed is embodied in Acts of Parliament; that her Courts are maintained by the Civil Power; and that the nation is represented in her councils by a wide infusion of the laity into the Assembly. But the creed which is embodied in Acts of Parliament is no more

her creed than that of every rival community of Presbyterians. No one contends that the infusion of the laity into the Assembly has ever given the nation an effective control over its deliberations; and as regards the plea that her Courts are sustained by the Civil Power, the very existence of those Courts is a grievance in the eyes of the rest of the population. Sir, when the Irish Church question was under discussion in this House, I well remember Lord Selborne—then Sir Roundell Palmer—defining what he termed the Irish grievance. Speaking in favour of disestablishment, he said—

“The grievance consists in giving, by this establishment, to the Church of a small minority of the Irish people, a superiority of rank, and an exclusive right—a right which no other religious body in the country possesses—to have its law deemed part of the laws of the land, and to have Courts maintained for the execution of those laws.”—[3 *Hansard*, xciv. 1911.]

Now, if the existence of these Courts constituted a grievance in Ireland, because the Church was the Church of the minority, it constitutes a grievance in Scotland where the Church is also the Church of the minority. But by this Bill, the Church is still further narrowed and limited, until it will consist of perhaps one fourth of the population—a Church of season-ticket holders—yet upon that fourth you still propose to accumulate all which the State has to bestow of wealth and consideration upon religion. Sir, there is only one plausible definition of a National Church—namely, that in theory, at all events, it is co-extensive with the nation; that the whole public sustains it; the whole public belongs to it; and the whole public controls it. But the advocates of the Bill have been compelled to renounce the time-honoured theory of a National Church. They tell us that “it involves a gross confusion of thought.” What they really mean is that the notion of a National Church at all under existing conditions involves a gross confusion of thought. They explain that—

“A Bishop or minister is not the Bishop or minister of every man in a diocese or parish, but only of those who choose to come to him.”

Sir, the friends of established churches have no cause to be grateful to the friends of this Bill, for in their anxiety to clutch all the advantages and forge all the disadvantages of their connection, they strike at the very root of the prin-

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ciple of a National Church; and the indignation which they lavish upon any proposal to give the public the patronage of their own Church ought to have been expended upon the close and intimate union between the public and the Church, which demands and requires that, failing the ancient rights of patrons, the public itself should exercise them. Now, I put it to hon. Gentlemen opposite, who are warm and conscientious supporters of a State Church, whether they think that this new-fangled theory, if adopted upon this side of the Border, would strengthen the Church of England? Do they really think that the provisions of this Bill, if applied to the Church of England, would tend to the lengthening of her prosperity? Yet the Church of England is a far more robust institution than her sister over the Border. I sometimes hear that even the Church of England is growing cold at the extremities; but if you feel the extremities of the Church of Scotland, the pulse has absolutely gone. Believe me, it is not only the British Constitution which is "fearfully and wonderfully made." The constitution of all State Churches is so. You cannot play these tricks and experiments with them. You cannot lop off this, and pare down that. You cannot carry your knives and your probes all over the body ecclesiastical with impunity. Even if your knife do not slip, the patient—and this patient in particular—has not strength for the operation. Now, do not let hon. Gentlemen suppose that the Bill, if passed, is intended to have no bearing upon the future of the Church of England. I believe that but for the Church of England we should never have heard of this Bill at all. The Church has been freely assailed, and a certain class of her defenders are filled with a feeble and feverish anxiety to do something, as they say, to strengthen her. They have made up their minds that the first practicable breach in her defences will be upon the side of patronage. So there is a prodigious bustle about patching up the defences upon that side. This Bill is part of this great patching scheme. Another part was the Bill introduced into "another place," one object of which was to prevent the sale of next presentations. By a singular coincidence, this Scotch Bill was no sooner introduced than the other Bill was suffered to drop. This Scotch Bill, bear in

mind, was never asked for in Scotland. There was no agitation for it. It is a perfectly gratuitous measure. It springs from the spontaneous benevolence of the Government. Now, I distrust spontaneous benevolence almost wherever I find it, but especially do I distrust it when it proceeds from the costive bosom of a Conservative Administration. It is easier, no doubt, to abolish patronage in Scotland than in England; but the precedent once fairly established, will be found very useful when we come to discuss the English question. And what a precedent it is! Such as are the rights of Scotch patrons, it amounts to almost simple confiscation. Sir, the country is really very unfortunate. Not long ago we had an Administration which "harassed trades, worried the professions, and assailed or menaced property." We thought that we had got rid of that Administration and its revolutionary principles for ever. But, Sir, here we have an Administration, with this awful warning before its eyes, treading in the same steps. Here we have an Administration which—looking to recent legislation, and looking to this Bill, and looking to another great harassing and worrying Church Bill, which has received the sidelong support of the Government—has achieved in four short months, in these three great fields of revolutionary enterprise, a success which it took its plodding predecessors as many years of patient blundering to attain. No doubt, we shall be told that the incidents of patronage in Scotland differ so widely from those of patronage in England, that no English precedent can be drawn from the Bill. That is precisely what we were told when we were dealing with the Irish Church Bill. The circumstances of the Irish Church differed so materially from those of the English Church, that no English precedent could be drawn from the Irish Bill. This theory was contested by hon. Gentlemen opposite, and rightly—for no one will now contend that the Irish Church Act has not strengthened the hands of those who demand an English Church Act. Precisely in the same way, if you pass this Bill, you will have precipitated the question, what is to be done with the rights of English patrons? But, I may very fairly be asked, if the tendency of this measure be in the direction of disestablishment and disendowment, why do I hesitate to support it? I once

read, Sir, that while an unfortunate Jew was being carried through the streets of Madrid to be burned by the Inquisition, the whole populace exclaimed—"Stand firm, Moses!" The Glasgow Corporation cries—"Stand firm, Moses!" now; the Free Kirk cries—"Stand firm, Moses!" too. But it is not because they admire his principles, or sympathize with his fate, but, like the good people of Madrid, because they wish to witness his immolation. Sir, this is not the line which I desire to follow. I object to the re-endowment, at this time of day, of any Church; but most emphatically do I object to it when, by the very same statute, the Church, so re-endowed, is robbed of its public and national character. For whatever may be the theory of private patronage, the Crown patronage and that of the Royal Burghs constitutes, to all intents and purposes, public property, and with public property, for the first time, you endow the Church of Scotland. Under these circumstances, it need not excite surprise that the promoters of this Bill hesitated to face the last Parliament—a Parliament the atmosphere of which was not favourable to endowed Churches. It would, indeed, have been a strange paradox if the same Parliament had with one hand disendowed a national Church on the ground that it was sectarian, and the Church of the minority, but, with the other, had re-endowed another national Church, also the Church of the minority, and in the very act of re-endowment made it more sectarian. But, Sir, no doubt I shall be told that since that Parliament sat "much has happened." So it has; but until this Bill shall have become law, I have yet to learn that among the things which have happened 'is a total reflux of that current of national opinion which has been setting steadily only in one direction for 50 years.

MR. DISRAELI: Sir, this Bill, which in another House of Parliament was supported and blessed by more than one Colleague of the right hon. Gentleman the Member for Greenwich, has, I am sorry to say, been banned by that right hon. Gentleman in this House. If that were the only consideration for his re-appearance among us, I would endure it, though with regret, because I must express the general feeling of the House that we have all missed him, and

I not the least. I have found the conduct of debate much more difficult in his absence, and as there appears to be for the remainder of the Session some preponderance of these peculiar subjects in which he is so remarkably interested, I trust his appearance to night will not be a solitary one. Before I venture to make a few remarks upon the observations of the right hon. Gentleman in particular, I would press upon my Friends to remember that there is, notwithstanding what they may have heard, a very great distinction between Scotch and English ecclesiastical patronage. The great difference between them is that the Scotch patron does not, in fact, patronize, and that Scotch patronage does not exact anything from the patron. It is not patronage in the English sense. That is about an accurate summary of his peculiar position, although we are obliged to use the word patronage, because it is a word commonly accepted when we speak on the subject, and a word which enables us to understand what we are talking about. Therefore, the fact is, that the Bill is not about patronage at all in the English sense, but refers to a question whether there should or should not be a new rule for selecting ministers in Scotland, and whether the selection should be made by every portion and class of the congregation agreeing in the change which is proposed. When we are told that this is a revolutionary measure, and that we are divorcing the Church, first from the Crown, and then from the land, I would remind hon. Members who use that language, that Her Majesty is not the head of the Scotch Kirk. Her connection with the Scotch Kirk, though a gracious and generous one, is not one similar to that which exists in England; and I believe that connection will continue, represented, as Her Majesty will be, by her Lord High Commissioner on that interesting occasion which is allowed to the Established Church of Scotland to express their unanimous approval of the proposition of Her Majesty's Ministers. Again, I want to know how the fact of a patron by law renouncing the exercise of an act of patronage which he had never exercised, can terminate the connection of the Kirk with the land. It terminates the connection of the Kirk with an individual who is called a patron, but the connection of the Kirk of Scot-

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land with the land is exactly the same. How inconsistent, then, it is to say, the Kirk of Scotland is to continue to enjoy her endowments, and at the same time, by this revolutionary Act, we are divorcing her from the land she has been so long connected with, and from which her income is produced. One of the great objections of the right hon. Gentleman the Member for Greenwich to the Bill is, that in terminating the patronage, of which he did not complain, we have not offered an adequate or proper substitute. The right hon. Gentleman objected to the power of appointing ministers being entrusted to the congregations, and he argued, if, indeed, he did not directly state it as his opinion, that the privilege should be extended to those who were not in communion with the Church, or who were not even nominally part of the congregation. I can only say that in acting as we have done, we have acted according to the precedents which are furnished by all previous legislation. The right hon. Gentleman knows very well that in the Aberdeen Act, which was passed by a Government of which he was a Member, the privilege of objection to a presentee was accorded to the congregation. It was brought forward and passed after the Secession. Therefore the Secession, which produced the Free Church, cannot be alleged as a reason for upsetting the principle, that selection is the peculiar privilege of the congregation. Although the Aberdeen Act gave the congregation the power of objecting, it has never been admitted for a moment that the appointment of a minister should be vested in those who are outside the congregation. That was a principle which was not attempted to be supported by it. The right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair), arguing as he did against the Bill, confessed that the idea of entrusting this power to the ratepayers would be intolerable in Scotland, and would receive no sanction from any Church, school, or body of men. To whom should we entrust it but to communicants and the members of the congregation? The communicants, I see, are not a small body. Judging from a Paper moved for by the hon. Member for St. Andrew's (Mr. Ellice), they appear to number 464,000. To my great surprise some doubts have been thrown on

the Returns by the right hon. Member for Montrose; but, so far as I can form an opinion—and I have made enquiries from good authorities on both sides of the House—there is no foundation for his scepticism. In the case that was referred to, one which attracted my attention, and one in which the number of the communicants was considerable, going even, I think, but I am not quite sure, to the extent of being the largest number given, I made enquiries, and found that the pastor was the Rev. Dr. Stevenson, a gentleman of repute, and it is impossible that he could have returned anything that was not authentic. The right hon. Member for Greenwich, pursuing the same tone as to the inexpediency of entrusting the appointment of the minister to the congregation and communicants, though no one has proposed any more reasonable plan or made any proposition which the House has for a moment accepted, dwelt very much upon the Highland parishes, which he said were in a position, since the great Secession, to render our scheme of entrusting the election to communicants utterly futile. He described these Highland parishes as another Munster and Connaught, conveying the idea to this House of large tracts of land and innumerable parishes, in which it was impossible to rally anything like a congregation, and that a few individuals would have this power entrusted to them. But when I examine into the matter, I find that the number of these parishes is extremely limited. I have not arrived at more than 25 parishes in which under the provisions of the Bill there would be such an insufficiency that the appointment would be referred to the General Assembly. But what are 25 out of 1,200! What did the right hon. Gentleman say when it was proposed to disestablish the Church in Wales? He said that so great a question as that of national establishment could not be decided on isolated cases. "We must," he said, "take general views." The right hon. Gentleman took a very general view, indeed, when he magnified a few Highland parishes into the dimensions of Munster and Connaught. Then we come to figures, a branch of the subject in which the right hon. Gentleman may be said to be more effective generally than any other. They are comprised in another ground on which the right hon. Gentle-

should be some memorial of that sort. I would say myself that, in the anthology of memorable epitaphs, I doubt whether that will be handed down to posterity. One thing, at all events, I hope—that upon that tombstone we shall not see inscribed the destruction of another Church.

MR. E. JENKINS moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Edward Jenkins.*)

MR. DISRAELI thought it was scarcely a reasonable proposition. He would not say it had been an exhaustive debate; but there would be other opportunities of speaking on the subject, and considering the time of the year, he could not consent to the adjournment.

MR. M'LAREN appealed to the right hon. Gentleman not to oppose the Motion for the Adjournment. Only two Scotchmen had spoken in the debate, and no Members of the large towns had yet spoken upon the question.

SIR ROBERT ANSTRUTHER appealed to the Prime Minister to consent to the adjournment. It was his intention to support the Bill, and his wish to speak in favour of it, and so many Scotch Members wished to do so likewise, that he thought they should have the opportunity of doing so presented to them.

MR. GATHORNE HARDY said, there would be great difficulties in adjourning the debate; but if the second reading of the Bill were carried, another opportunity would be given for discussing on going into Committee.

MR. GLADSTONE said, if the hon. Members from Scotland were generally of opinion that the subject had been sufficiently discussed, he would not press for an adjournment; but if they were of a different opinion, then their wishes ought to be consulted. There would be no saving of time if the suggestion of the right hon. Gentleman who had last spoken was adopted, and the principle of the Bill were discussed over again on going into Committee. For his own part, he was not in the least disposed to offer opposition on the details of the Bill.

MR. NOEL also appealed to the Government to adjourn the debate.

Mr. Disraeli

MR. HORSMAN considered the Motion for Adjournment only reasonable, for, in his opinion, the Prime Minister had risen early in the evening for the purpose of closing the discussion.

DR. CAMERON said, that not one of the Members representing large constituencies in Scotland had had an opportunity of speaking on the Bill.

Question put.

The House divided:—Ayes 166; Noes 223: Majority 57.

Original Question again proposed.

MR. ANDERSON moved the adjournment of the House.

MR. LEITH seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Anderson.*)

MR. DISRAELI saw no reason why they should not go on and conclude the debate to-night. He had simply opposed the adjournment because it would not be in his power to offer a day, except at such an interval as would be very inconvenient to those who would follow in the debate. The next day (Tuesday) was occupied with important Government Business, and he had given Thursday for another Bill. The House had better sit two or three hours longer, and finish the debate to-night. If it were adjourned he could not name a day for resuming the debate earlier than Monday next. As he had been charged with rising early in the debate, he wished to say that he rose because it did not appear to him that any hon. Gentleman on either side of the House cared to rise, and not because he wished to prevent the debate from going on.

MR. HORSMAN thought there would be no difficulty in adjourning the debate. The right hon. Gentleman would find himself mistaken if he imitated the policy of the late Government in riding over the House with what, last Session, was called a mechanical majority. That was by far the most important measure of the Session, and there was no reason why it should not be proceeded with to-morrow. He hoped therefore that the right hon. Gentleman would not put the House and Government in a false position by postponing the discussion of the Bill for a whole week.

MR. KINNAIRD said, he would suggest another alternative. He would

recommend the right hon. Gentleman to drop the Bill for the present Session.

MR. MONK hoped that the Government would not give way. It was not usual on matters of the kind to close the debate before 2 or 3 o'clock in the morning. If this debate were adjourned, another night would be asked for the debate on the Public Worship Regulation Bill, and, if so, what hope was there that this Session would ever come to an end?

MR. M'LAREN said, there were 18 Scotch Members who had not spoken. He had risen nine times before he had been successful.

MR. GLADSTONE said, that if the right hon. Gentleman at the head of the Government had made his arrangements for the conduct of the Business of the House during the remainder of the week, he could not be expected to accomplish impossibilities. He (Mr. Gladstone) hoped, therefore, that the House would accept the proposal of the right hon. Gentleman with regard to Monday.

Question put.

The House divided:—Ayes 151; Noes 215: Majority 64.

Original Question again proposed.

MR. BAXTER said, a great many Scotch Members wished to address the House, and they would willingly accept the offer of the Prime Minister, that the debate should be continued on Monday next.

MR. DISRAELI said, he had opposed the adjournment because he could not give another day this week. He had only two days, and he had promised the first day at his disposal. He did not understand why they had had the last division.

MAJOR O'GORMAN said, he should certainly vote for the second reading of the Bill; but he thought the Scotch Members should be heard, and he did not see what objection there was to proceed with the debate without any adjournment.

Motion made, and Question proposed, "That the Debate be now adjourned till Monday next."—(Dr. Cameron.)

Question put, and agreed to.

Debate adjourned till Monday next.

ROYAL IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to amend the Laws relating to the Royal Irish Constabulary and the Police of the Police District of Dublin Metropolis, ordered to be brought in by Sir MICHAEL HICKS-BEACH and Mr. ATTORNEY GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 196.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, 7th July, 1874.

MINUTES.]—PUBLIC BILLS—First Reading—Chain Cables and Anchors* (157); Rating* (158); Foyle College* (159).

Committee—Intoxicating Liquors (130-160); Local Government Board's Provisional Orders Confirmation (No. 5)* (99).

Report—Leases and Sales of Settled Estates* (93); Bills of Sale Amendment* (152); Elementary Education Provisional Order Confirmation* (153).

Third Reading—Apothecaries Act Amendment* (116); Conjugal Rights (Scotland) Act Amendment* (126); Alkali Act (1863) Amendment* (115), and passed.

INTOXICATING LIQUORS BILL.

(The Lord Steward.)

(NO. 130.) COMMITTEE.

House in Committee (according to Order).

Preliminary.

Clause 1 (Construction and short title of Act) amended, and agreed to.

Clause 2 (Commencement of Act) agreed to.

Hours of Closing.

THE EARL OF HARROWBY proposed, after Clause 2, to insert a new clause. The principle of this Bill seemed, no doubt, to be a limitation on the discretion of the magistrates in respect of the hours of public-houses—though he believed no complaint had been made as to the manner in which they exercised their discretion under the existing Act. In the course, however, of the discussion on the Bill in the other House, it was found necessary to relax in some respect that principle; a difficulty arose about defining populous places, and at last the

difficulty was solved by referring it to the discretion of the magistrate. After the experience the magistrates had acquired as to the wants of the populations in their respective localities, and the very satisfactory manner in which they had exercised their discretion in respect of the hours of opening in the morning, he hoped their Lordships would adopt the clause he now begged to propose, and not allow the Bill to become law with a hard-and-fast line drawn at the hour of 6 in the morning. In Birkenhead, Liverpool, Manchester, and other large towns the manufacturers and employers were in favour of the hour of 7 for opening; great advantage had been found from that late hour, and he hoped the power would be left with the magistrates to continue that regulation.

Moved, after Clause 2, to insert the following clause:—

"In any town or (populous place) beyond the metropolitan district the licensing justices may by order made in the manner prescribed by the principal Act direct that the time at which such premises within any town or (populous place) shall be opened on the mornings of all days, except Sunday, Christmas Day, and Good Friday, shall be other than the hour herein-before prescribed; but no such order shall prescribe a time for opening earlier than five o'clock nor later than seven o'clock in the morning of such days."—(*The Earl of Harrowby*.)

EARL BEAUCHAMP opposed the clause—it either went too far or not far enough. The noble Earl was correct in saying that the principle of the Bill was to limit the discretion of the magistrates, and the Amendment of the noble Earl proposed to run counter to that principle, though only in respect to the hours of opening. If it was right to restore the discretion in respect of hours, it ought to be restored entirely and not in the partial manner proposed by the Amendment. The object of limiting the discretion in the way it was done by the Bill was to prevent the anomaly of different hours in different licensing districts—hours fixed not on any general principle, but in accordance with the individual opinions of the justices of the district. The case of exemptions to meet the wants of particular callings and occupations was provided for by Clause 5, and therefore the Amendment of the noble Earl was unnecessary in the case of persons following such occupations.

The Earl of Harrowby

LORD ABERDARE said, he wished the Government would consent to legislate on the principle laid down by the noble Earl (Earl Beauchamp), and that they would assign some valid reason for the course they were pursuing in respect of the hours of opening and closing. The question was not one of public morals, but one of public convenience. When the Bill of 1872 was introduced it contained a provision that the hour for opening public-houses should be 6 o'clock; but in the course of the discussions it was found that to draw a hard-and-fast line like that would be productive of much inconvenience. It was stated that a great number of persons engaged at night occupations were in the habit of breakfasting at public-houses before they went home, and that others who came from their homes at a very early hour used public-houses in order to obtain refreshment before going to their work. Parliament consequently, resolved to give a discretion to the magistrates. In Liverpool, the hour fixed for opening was 7 o'clock. The question being one of the convenience of the working classes the magistrates took much pains to ascertain the feeling of the working class on the subject of the hours for opening and closing, and they ascertained that no fewer than four-fifths of that class—those who worked in the large establishments especially—were in favour of 7 o'clock as the hour for opening and 10 as the hour for closing. The magistrates adopted 7 as the hour for opening, but they shrank from adopting so early an hour as 10 as the time for closing, and they consequently fixed at 11 o'clock. Chester, Birmingham, Hull, Gateshead, and he believed other places, followed the example of Liverpool in making 7 the opening hour. The city of Manchester, which had paid much attention to the working of the Act, fixed on 6 as the hour for opening, and 11, the hour adopted at Liverpool as the hour for closing; but, a few evenings ago, he presented to their Lordships' House a Petition from the justices of Manchester, in which they stated that after full consideration, they were prepared to adopt 7 o'clock as the hour for opening, being satisfied that what had been done elsewhere had given satisfaction. He challenged the Government to show that the slightest hardship had been felt or complained of in the large towns in which 7 was the hour for

opening. If they could not do so, why should they make any change in the Act for the purpose of establishing a principle which was no principle at all—certainly not a just one? The wishes and convenience of the people were to be consulted. There was no political principle and no moral principle involved in the proposal of the Government, and as the justices had hitherto exercised their discretion in a perfectly satisfactory manner, he would support the Amendment.

THE MARQUESS OF SALISBURY said, the speech of the noble Lord (Lord Aberdare) clearly indicated that what he desired was not a discretion of opening earlier, but a discretion of opening later. What the noble Lord wished to do was to follow the wish of those who used public-houses. But it was obvious that those who used public-houses had the remedy in their own hands. If they did not wish to go into public-houses before 7 o'clock, they could abstain from doing so. The noble Lord said it was the almost unanimous wish of the working classes in Liverpool, Chester, and other large towns that public-houses should not be open till 7 o'clock. If that were so, why need they go in? But what he suspected was that what these members of the working classes wanted was that their neighbours should not be allowed to go into public-houses before that hour. The noble Lord challenged the Government to say what was the principle of their proposal. The noble Lord asked whether it was a political principle or a moral principle, or what it was? His reply was that it was the principle of freedom—the principle that you were not to prevent one man from doing what he liked so long as he was acting within the law merely because another man objected to what he was doing. The original proposal of the Government with regard to the hour of opening had been somewhat modified. What they wished to do was to fix such hours of opening as would generally suit the habits of the population. But the question of the hour of closing was essentially different from that of opening. A consideration of police was involved in the former—because when they fixed a late hour for closing, they made the task of the police more difficult; but would any one assert that the hour of opening being earlier made the task of the police more difficult?

If they proceeded on the uncongenial principle of fixing by Act of Parliament what was good for the working classes—if they intended to fix for them, of what their breakfast should be composed, and at what hour they should be permitted to take it, they would be entering the regions of paternal Government. It was no more the province of Parliament to fix what the working classes should drink than it was its province to fix what they should eat. If it was not good for them to begin work with a dram of whiskey in their stomachs, that was for themselves and not for Parliament. By attempting to introduce an uncongenial limitation of this kind they would be infringing the principle of liberty on which our legislation hitherto had been based, and laying down new principles of legislation which, upon other subjects and under a political system where power resided with the greatest numbers, would some day be used most disadvantageously against them.

THE EARL OF KIMBERLEY thought the noble Marquess could not have read the clause proposed by the noble Earl (the Earl of Harrowby), whose Amendment was now before their Lordships. Had he read it, he never could have argued as he had done in the speech just addressed to their Lordships. The whole of the argument of the noble Marquess was against opening at a later hour than that provided in the Bill; but the clause proposed to be introduced said, the magistrates might make the time of opening an hour earlier—because they might fix it at 5 o'clock if they chose.

THE MARQUESS OF SALISBURY: They might make it an hour later—7 o'clock, if they chose.

THE EARL OF KIMBERLEY: An hour later, or an hour earlier—that was at the discretion of the justices. But why should the noble Marquess assume an hour later, and found his argument against the clause on that assumption? He quite agreed with the principle laid down by the noble Marquess that there was a difference between the question of the hour of opening and that of the hour of closing, inasmuch as the latter involved considerations of police. But the question now before their Lordships was the hours of opening, which did not. The noble Marquess talked of the convenience of the labouring classes. Was it for the convenience of the labouring

classes that a hard-and-fast hour of 6 o'clock should be fixed by Act of Parliament, and that no discretion should be left to the justices in order that there might be a relaxation for their benefit. In considering the Bill of 1872, they came to the conclusion that it was better to fix the hours at 5 and 7 than at 6 o'clock, leaving it to the discretion of the magistrates to fix them at either 5 or 7, as the wants of any particular locality might require, or as the justices might think fit. He again submitted that the noble Marquess could not have read the clause, which he trusted their Lordships would accept.

THE LORD CHANCELLOR: The noble Earl says that the noble Marquess could not have read the clause; but the noble Marquess had heard—and they had all heard—the speech of the noble Lord (Lord Aberdare), and he asked whether the whole of that speech was not in favour of having a later hour for opening than that fixed by the Bill?

LORD ABERDARE said, he had distinctly admitted it was necessary, on behalf of persons engaged in some callings, that an earlier hour was required, and that a provision to that effect had been introduced into the Act of 1872; and what he said was that power should be given in the Bill to fix the opening hour between 5 and 7 o'clock to meet the wants of an agricultural population on the one hand, or those of the operatives employed in large towns on the other.

THE LORD CHANCELLOR: But all the instances cited by the noble Lord were those of towns in which a later hour was adopted. The noble Marquess followed the noble Lord, and argued against restrictions in the way of making the hours of opening later. As to the Amendment before the House, he would ask the noble Earl (the Earl of Kimberley) to look at Clause 5. If it should be thought that the powers of relaxation given by that clause were not sufficient, the question of enlarging them could be considered on that clause.

EARL BEAUCHAMP said, the Amendment proposed was entirely unnecessary. The Government had received expressions of opinion from all parts of the country and towns in England, numbering from 600 to 800 places, to the effect that the hour of opening at 6 o'clock

was sufficient, and he was very sorry his noble Friend should propose to alter the hour proposed in the Bill. The clause did not at all apply to agricultural labour; and, as he just said, they had received representations from a large number of towns and populous places, showing that the hours fixed by the Act of 1872 were quite satisfactory.

On Question? Their Lordships *divided*: Contents 69; Not-Contents 108: Majority 39.

Resolved in the Negative.

Clause 3 (Hours of closing premises licensed for sale of intoxicating liquors.)

Amendments made, in page 1, line 20, by leaving out ("licensed for the sale of"), and inserting ("in which"); and after ("liquors") inserting ("are sold.")

THE BISHOP OF LONDON observed that he knew of no reason why the hours of closing in the Metropolis should be later than they were in the country; but on Sundays he thought there was no justification whatever for the difference. There might be reasons; and, if so, probably the noble Earl could inform him.

Amendment *moved*, in page 1, line 25, to leave out ("eleven") and insert ("nine.")—(*The Lord Bishop of London.*)

EARL BEAUCHAMP said, that in London and the large towns a great number of persons were in the habit of going into the country to spend their Sundays, returning home at various hours in the evening. It was, therefore, thought desirable that the later hour for closing fixed for the Metropolis should be extended to the Sunday also. 10 o'clock would certainly be too early an hour for London. There were also numerous excursion parties for whom reasonable facilities ought to be allowed for obtaining refreshments. He hoped their Lordships would support the provisions in the Bill in this respect, as it did not do to impose restrictions that were not supported by public opinion. He hoped, therefore, their Lordships would retain 11 o'clock as the hour for closing in the Metropolis on Sundays.

On Question? *Resolved in the Negative.*

The Earl of Kimberley

LORD ABERDARE said, he thought this would be a convenient time to raise the question whether 12 or 12.30 should be the hour for closing on week nights. He regretted the excellent example of the Act of 1872 as regarded the hours of closing had not been adhered to in the present Bill, but that they should be extended by it half-an-hour beyond the time then sanctioned. He had given Notice, on the second reading of the Bill, of his intention to move an Amendment in Committee on this part of the Bill, and he now desired to direct their Lordships' attention to the subject. When the Bill was in the House of Commons there was a very general opinion pronounced in favour of retaining the hours of closing mentioned in the Act of 1872; but it was represented that those hours interfered with the habits of large bodies of the population, and on their part it was asked that the hour in the Metropolis should be extended to 12.30. It was in view of the wants of a certain part of the population of the Metropolis that a power was given to the Commissioners of Police to give exemptions in the case of a few public-houses situated in the vicinity of the theatres, so as to enable persons who visited them to obtain refreshments after the close of the performances. Subsequent experience had shown that the half-hour thus allowed was of no use for the purpose for which it was intended; and he wanted to know the reasons why they should now change the hour of closing from 12 to 12.30. The Home Secretary, and the Under Secretary also—a Gentleman who had paid great attention to the working of the Act of 1872—had arrived at the conclusion that the exempted houses were visited, not by persons who had been passing the evening at the theatre, but by persons who had been turned out of other public-houses, and who availed themselves of the exempted houses for the purpose of obtaining more drink. In the Metropolitan District there were 8,000 drinking-houses—public-houses and beer-houses included, so that the effect of this change in the Act of 1872 would be to create daily 4,000 additional hours for night drinking. Some Friends of his, Members of Parliament, had visited a few public-houses for the purpose of observing what sort of people frequented them at that hour. They were described as being persons not of

the class for whom the exemption was intended, but almost invariably persons not of temperate habits—the sort of persons, in fact, who eventually got into workhouses, gaols, and lunatic asylums. This was a reason for doing away with the exemptions, but it was quite the contrary to a reason for extending the ordinary hours of closing from 12 to 12.30. Strong reasons should appear for such an extension before it was adopted. Not only public-houses would have the benefit of it, but beer-houses also, which never before were permitted to be open after 12, were to be entitled to the additional half-hour. He could not understand what motive could have actuated the Government in proposing this extension of hours. They knew that the keepers of public-houses did not desire it, and they had never regarded closing at 12 o'clock as a grievance. Wherever he had been he had heard of the general comfort and advantage which had been secured under the Act of 1872 by closing at 12 o'clock; and, in fact, he believed it was only cabmen who had complained of it—that it was the cause of their losing many fares—persons who were about at a late hour of the night, and many of them incapable of walking home. The Lord Chief Justice, as their Lordships might be aware, had decided that persons served with liquor before 12 might be allowed a reasonable time afterwards to drink it. The effect of that decision was that houses were kept open after 12; but he challenged the Government to say whether it was not in only very rare instances that that was either done or desired, and he appealed to their Lordships whether it was not desired, not by respectable persons, but by persons of the class to which he had referred.

Amendment moved, in page 1, line 27, to leave out ("half an hour after.")—
(*The Lord Aberdare.*)

EARL BEAUCHAMP said, the noble Lord's indignation at the change proposed by the Bill, seemed so great that he thought it would have taken a better form of expression if he had taken the course of moving the rejection of the Bill altogether. The clauses regulating the hours of closing contained some of the chief provisions of the Bill, and amongst these there were few provisions

more important than the hours of closing public-houses throughout the Metropolitan districts. On the second reading he adverted to this part of the Bill, and drew their Lordships' attention to the reasons which had induced the Government to alter the hours, and he would not now repeat the argument he then used. He thought their Lordships must all be aware, from personal observation, of the great inconvenience which had been occasioned by midnight closing, although from their habit of attending their clubs and having well provided and comfortable houses, they could not appreciate the inconvenience to the full extent. The Government were decidedly of opinion that the exemptions now allowed should cease. The proposition of the noble Lord would restrict the law as it at present existed, because the interpretation which had been put upon the clause with regard to closing in the Metropolis had certainly made 12.15 instead of 12, the hour at which public-houses were to be closed. That was practically the case; and if their Lordships were to adopt the proposal of the noble Lord, the effect would be to cut off the present quarter of an hour, and tie the inhabitants of the Metropolis down to a hard-and-fast line, thus making the law even more stringent than it was at present. He, therefore, hoped their Lordships would not agree to the Amendment.

EARL GRANVILLE thought his noble Friend (Lord Aberdare) had taken the proper course in moving the Amendment, instead of moving the rejection of the Bill. He contended that no reason whatever had been assigned for the extension of hours proposed. Moreover, it had been demanded by nobody, and was strongly deprecated by persons who were most competent to form an opinion on the subject. For his part, he owned that he saw no necessity for the extension. At the same time he wished it to be understood that he did not oppose the clause from any party feeling. He hoped the times were past when their Lordships would vote against any particular measure merely because it emanated from a Government to which they themselves were in opposition; and he should regret very much to see any single Peer on that side of the House vote either for or against the Amendment unless he believed that in

doing so he was consulting not party interests; but the interests of the public. A powerful newspaper had paid the Peers an unusual compliment for their independent conduct in passing the second reading of the Bill, and he hoped that they would be uninfluenced throughout their deliberations on this Bill by the slightest party feeling.

THE LORD CHANCELLOR said, that, although the noble Earl (Earl Granville) supported the Amendment of the noble Lord beside him, he had not said one word in its favour or stated the grounds for the course he had taken. He had told their Lordships something which had appeared in the newspapers—which was new to him—about the proper manner in which they had taken this matter into consideration, and how they had been complimented upon it. The noble Earl had asked them to consider this small question—small as regarded the arguments which had been adduced by the noble Lord opposite (Lord Aberdare) in support of his Amendment, although not so small as regarded the principle of the Bill. He (the Lord Chancellor) did not propose to weigh very minutely the evidence to which the noble Lord had referred; but there was one thing which struck him most forcibly as regarded the present law, although he should not stop to inquire how it came about. He referred to the provision for the closing of public-houses in the Metropolis at 12 o'clock, while giving exemption to certain public-houses near theatres. Now, he could not imagine any trade enduring an exemption of that kind. He believed no attempt to carry out exemption of that kind in this country would give satisfaction. To say, that throughout the whole of the Metropolis, as a general rule, the closing hour should be 12 o'clock, but that certain favoured persons, because they happened to live in the neighbourhood of theatres, should have a privilege granted to them which was denied to all others—that of selling half-an-hour later than their neighbours—was a state of things which could not continue. Whatever might be the hour fixed for closing, it was utterly impossible, in the face of public opinion, and in the interest of the trade, to grant exemption privileges in particular neighbourhoods which were denied by others. As he understood the proposition of the

Earl Beauchamp

noble Lord it was to continue the Act as before, with that exemption.

LORD ABERDARE: Without the exemption. I am for restricting the hour to 12 o'clock, giving no kind of exemption.

THE LORD CHANCELLOR: That is an entirely new proposal, and ought to have been clearly intimated in the Amendment. The noble Lord is not dealing with the words with which we are now occupied, but with that part of the Bill which provides these exemptions. The proposal of the noble Lord is, in effect, to alter the Act of 1872, by making the hour of closing, in the metropolis practically, half-an-hour earlier.

LORD ABERDARE: No, that is not so. Allow me to explain. The Act of 1872 fixed 12 o'clock, but allowed certain exemptions, which have proved to be useless, unnecessary, and objectionable. I therefore propose to sweep them away, and make the hour of closing 12 o'clock, as it has been for the last two years.

THE LORD CHANCELLOR: That is exactly what I was stating. But with the absolute hour of closing there was an exemption which has been granted to certain houses. Does the noble Lord mean to say that during that extra half-hour so allowed for closing no liquor was sold?

LORD ABERDARE: No.

THE LORD CHANCELLOR: Then I say that those houses had an advantage over all their neighbours, because they did not close at 12 o'clock, but at a later hour. But that is not all. By consequence of the wording of the Act of 1872 a decision was given by a Court of Law that a certain portion of time was to be allowed over and above the hour of closing, during which margin of time liquor already ordered might be consumed on the premises; and therefore, in point of fact, the wording of the Act of 1872 was such that the time of closing in the metropolis was not 12 o'clock, but, at least, 12.15, and perhaps later; while the privileged houses kept open a still longer period. The principle of this Bill is to put an end to these exemptions, and to this litigated question of what margin should be allowed for the consumption of liquor ordered before closing time. By putting all on one level, and fixing one uniform, un-

varying hour, jealousy, litigation, and dispute will be prevented; and in order that the convenience of the public may not be interfered with as a consequence, the Bill, by giving an extension of half-an-hour, gives as nearly as possible the same increment of time as now is permitted.

THE EARL OF KIMBERLEY said, there was nothing so dangerous as to stand upon principle when they came to discuss the clauses of a Bill. As to the question of principle, he would refer their Lordships to the 26th section of the Act of 1872 with regard to exemptions; and as this Bill adopted that clause to some extent, and provided for other cases, the argument of the noble and learned Lord on point of principle failed. The exemptions in regard to houses near theatres had admittedly worked extremely ill, being frequented by persons of bad character, and not so much by those who used the theatres. Although that was admitted by the noble Lord who introduced this Bill, yet it was now proposed to do away with that as a special exemption, and allow all the houses to keep open to the exemption hour. He should support the Amendment.

THE EARL OF HARDWICKE said, it was quite certain the Act of 1872 had not received the approbation of the country; and if there was one point in it which more than another had created public dissatisfaction, it was the clause which restricted the hours of keeping the public-houses open. It had always struck him that the noble Lord (Lord Aberdare) had all along treated his Bill as a measure for the sale of intoxicating liquors, forgetful that people resorted to public-houses for various other purposes besides that of drinking. There were many persons who obtained in those houses the natural sustenance which they required. The principle of the present Bill was to give greater freedom to all classes, in place of the coercion introduced by the existing Act; but if their Lordships now agreed to curtail the time of keeping open by this half-hour, they would be imposing an undue restriction upon the freedom of a large number of persons frequenting theatres and places of amusement, and would deprive them of that sustenance which they required.

THE BISHOP OF LONDON said, nothing could be considered a small matter which affected the religion and morals of the people. The evidence was overwhelming that the half-hour in question was of far more importance than all the previous hours of the evening, inasmuch as all the police reports concurred in stating that there was more drunkenness during the last hour or two that the public-houses were kept open than during the rest of the day. He, therefore, held that if their Lordships were to grant this additional half-hour for drinking at the end of the night, they would be giving occasion for more harm than occurred in an hour at any other period of the day. The noble Earl (the Earl of Hardwicke) had argued in favour of the half-hour on behalf of those who frequented the theatres and other places of amusement. In the law as it stood the houses in the neighbourhood of these places of amusement were allowed to remain open for half-an-hour longer than was the rule, for the accommodation of those persons; but the question was, did these persons use them? It was his opinion they did not; but that those exempted houses were the resort of bad characters, and not of respectable persons really requiring refreshment. Moreover they put temptation in the way of the inhabitants of the Metropolis. He would mention one class—the coachmen and footmen who were taking charge of the carriages of their masters. These men, when remaining in idleness outside the theatres, were led by the evil influence of others to go into the public-houses. They did not require anything to eat or to drink, as they had plenty provided for them at home. He confessed he could not see what possible justification there could be for adding half-an-hour to the worst period of the night.

THE DUKE OF RICHMOND considered the right rev. Prelate who had just addressed their Lordships had made too sweeping a charge against a meritorious class when he stated that the houses were frequented by livery servants who were kept out at late hours in charge of their masters' carriages. There was no evidence to support that statement. He (the Duke of Richmond) had the other evening quoted an extraordinary paper which showed that where the hours of closing were early there was more drunkenness than in those places in which they

were permitted to keep open for a longer time.

THE EARL OF KIMBERLEY: That would be a reason against closing them at all.

THE DUKE OF RICHMOND did not think the noble Earl with all his acuteness could prove that. There were, however, excellent reasons in favour of 12.30. The noble Lord in the Act of 1872 fixed the hour of closing at 12 o'clock, but he made an exception in favour of the houses in the neighbourhood of the theatres and places of amusement. The consequence was that people were allowed to go into those houses and to remain there until 1 o'clock to consume the liquor which they had purchased before 12.30. He would now ask them to see what would be the effect of the Amendment. It would in the first place do away with those exemptions, but it would also practically close the houses at 11.45, as people would have to clear out at once, without having any time allowed them to consume the liquor they might have bought before that hour. Under those circumstances he hoped their Lordships would not agree to the proposal of the noble Lord.

THE BISHOP OF PETERBOROUGH said, the noble Earl (the Earl of Hardwicke) had said that the principle of this Bill was based upon freedom as opposed to coercion: but he (the Bishop of Peterborough) did not see how the principle of liberty could be said to be involved in this Bill either in its relation to the publicans or to the public. In no sense could a Licensing Bill be a Bill in favour of liberty, as the very idea of a licence was restriction. As regarded the publican, the Licensing Acts conferred on him a valuable and, in some cases, a dangerous monopoly; and Parliament in conferring upon him that privilege had a right to put such conditions and restrictions upon the exercise of it as might appear to be necessary. That was the case as regarded the publican. If their Lordships would now consider it in respect to the public they would see that if they—the public—were to have uncontrolled liberty to resort to those houses when they pleased, that would be doing away with all restrictions whatever. He did not, then, see how, if they closed the houses at 12 o'clock it could be considered a reversion of all liberty, while to keep them open half-an-hour would be

universal liberty. It might be a question of policy, but certainly not one of liberty or coercion; and therefore he would submit that the principle of restraint was necessary both for the public and for the publican. The argument that a quarter of an hour's margin would have to be allowed was as strong in the one case as in the other, and he ventured to say that the balance of evidence was in favour of closing at 12 o'clock.

THE MARQUESS OF SALISBURY was of opinion that the right rev. Prelate and the 749 clergymen who had appeared on the scene to-day had committed the error into which ministers of religion in all ages had fallen—of calling in the secular authority to carry out those objects which, if right, they ought to attain by their own preaching and ministrations. Sobriety, was no doubt a very good thing, but it ought to be enforced not by Act of Parliament, but by moralists and preaching and admonition. They were asked to save footmen from the temptation of an open public-house; but suppose the footmen were to take up the argument, and ask what their masters and mistresses were doing inside the house outside of which the servants were waiting? Was it so extravagant that whilst champagne was being consumed inside, beer should be drunk outside? The argument was that temperance should be encouraged and enforced upon footmen, but it did not matter whether the ladies and gentlemen adopted it or not. In the present distribution of political power and the keenness with which all the actions of the upper and middle classes were watched, he earnestly protested against its being laid down that the upper classes were safe from temptation, whilst it was their business and duty to protect and preserve those below them from temptation. He was afraid that the insinuation might be retorted, and that at some not distant period the upper classes might be protected themselves. When information became more spread among the people, he had no doubt it would be their destiny to advance not in the way of restriction, but in the way of freedom. He did not desire to advance too fast, but he claimed for the Bill that it was an advance in the direction of freedom as great as the country was prepared now to take.

LORD CARLINGFORD presumed that the support given by the noble Marquess

to this Bill was in the belief that it was but the first stage to unlimited freedom, and that subsequent measures would extend the time of closing, and perhaps in the end leave the question entirely to the decision of the licensed victuallers themselves. For himself, however, he concurred entirely in the reasons which had been urged by his noble Friend behind him.

After a few words from the Earl BEAUCHAMP,

LORD DENMAN desired to remind their Lordships that by another section in the Bill the licensed victualler could if he pleased, close at 11.30 in the Metropolitan district.

On Question? *Resolved in the negative.*

On sub-section 2 which fixes the hours of closing beyond the Metropolitan district and in the Metropolitan Police district, or in a town and populous place as defined by this Act.

THE EARL OF MORLEY took exception to the definition in the Bill of districts which were called "towns" and "populous places." They had in this sub-section provision made for the regulation of hours in places which formed as it were an intermediate stage between the metropolis and the rural sections of counties. If he turned to the Interpretation Clause, he found that "town" meant "an urban sanitary district as described for the purposes of the Public Health Act 1872," it was directed—

"Any collection of houses adjoining a town as so defined shall for the purpose of the provisions of this Act with respect to the closing of licensed premises be deemed to be part of such town after it has been declared so to be by an order of the county licensing committee having jurisdiction in the place where such houses are situated."

Then came the proviso that—

"No urban sanitary district, whether including such adjoining houses or not, shall be deemed a town, unless it contains one thousand inhabitants."

Then they had the definition of a "populous place,"—

"Any area which by reason of the number and density of its population not being less than one thousand, the county licensing committee may by order determine to be a populous place."

It was thus left to every county licensing committee to determine what was and what was not "a populous place." What then became of the principle of the Bill

that the discretion of the magistrates was to be abolished? The retention of these definitions would in his opinion operate unfairly by allowing houses to be open in one district, while in the district immediately adjoining they were compelled to be closed. Or, a petty sessional division might include an area containing 2,000 or 3,000 persons, including a village with a population of 1,000 persons. It was possible therefore that one portion of the area might be under one set of hours and the other under others.

Amendment *moved*, in page 2, line 2, to leave out ("or in a populous place.")—(*The Earl of Morley*.)

EARL BEAUCHAMP defended the definition of "town" as "an urban sanitary district as described for the purposes of the Public Health Act, 1872." The Local Government Board had now laid down a rule not to constitute an area into "a suburban sanitary district," with a less population than 2,000. Before that rule was applied, suburban sanitary districts of considerably less population were constituted, and the Bill provided that no place with less than 1,000 population should be deemed to be a "populous place." Every one knew the difficulty of defining what was town and what was country. In taking the Census of 1871 the same difficulty was felt in drawing a distinction between urban and rural parishes. It was found impossible indeed to apply any rule, and the Registrar General said, that "a great deal must be left to the judgment and discretion of the persons employed." The same difficulty arose in this Bill, and it must be surmounted in the same way. He was not wedded to the definition given in the Bill if any better could be produced, but on mature reflection he believed it would be found the very best that had presented itself. Then as regarded "populous places." There might be a certain amount of inconvenience perhaps in the multiplication of areas, but it rested with the licensing committee, provided the population was not less than 1,000, to determine what was a populous place. They had to consider all the cases within their jurisdiction, with respect to which it was incumbent on them to make orders, and they had the power of specifying the boundaries of towns or populous places, and to add adjacent houses

The Earl of Morley

to a town, so as to include them within the "populous place." Precise rules could not be laid down, but it was important that the decision in each case should be uniform. The principle of uniformity was, no doubt, of the greatest importance; but was it not better to leave the decision of that question to the justices throughout the country—well-qualified men—and not confine its meaning to the strict and hard principles laid down by law? By allowing them to decide in each case according to their discretion, there was no violation of the principle of uniformity in leaving the power to men who had all the advantages of local knowledge within their respective districts. He trusted their Lordships would see that the distinction drawn in the Bill was a real one. Our population was divided into three classes—a rural, an urban, and a metropolitan population—to each of whom and to supply their wants and wishes a clause was especially devoted in the Bill. To interpret what the law was as laid down by these clauses was left to competent men to decide according to circumstances, and no Amendment proposed would meet or remove the difficulties of the case. He, therefore, hoped the Amendment of the noble Earl—to omit the words "populous place"—would not be agreed to.

THE EARL OF KIMBERLEY said, he was glad his noble Friend behind him (the Earl of Morley) brought this question under their Lordships' consideration, for he thought it one of the most important parts of the Bill. Indeed, he intended to have moved such an Amendment himself, but he expected the noble Earl opposite (Earl Beauchamp) would have been prepared to alter and correct the clause. He said in the debate on the second reading of this Bill that he should be very glad to make the clause more satisfactory. Then, why did he not do so? It could not, he believed, be done. The phrase "populous district" or "populous place" was an obscure and indefinite term:—and when it was said that no discretion should be given to magistrates in this difficult case, power was given to interpret a clause which nobody understood, and to licensing committees throughout the country to decide what a "populous place" or a "populous district" meant. "Populous" and "populous places"

were relative terms, yet no definition was given as a guide; now it was certain that if they had no definition to go by, the magistrates throughout the country would come to conflicting decisions, and then what became of their so-called uniformity? They would find none whatever. There existed 58,000 public-houses and 25,000 beer-shops outside the metropolitan district, and of that 58,000, 43,000 would be affected by this clause—how they would be affected entirely depended on the view the magistrates might take of what was a “populous place,” and this would in his opinion lead to great misconception and evil. The Bill provided that in places not populous districts the hours for opening should be 10 o’clock. For his own part, he was afraid that the alteration so made, instead of being an improvement, would be a step backward. It was creating a new element, a maximum of uncertainty, when nobody would know what course to pursue. He agreed with the noble Earl that there was a difficulty in drawing a line between town and country, and he would suggest to him to try and introduce some words which would have that effect. But if the noble Earl could not hold out a hope that he could devise a satisfactory definition of a populous place, he hoped his noble Friend would divide the House on his Amendment.

THE DUKE OF RICHMOND said, the noble Earl who had just sat down complained of there being no definition of the term “populous place,” and that it was therefore unsatisfactory and difficult to be understood. But Her Majesty’s Government were in no way responsible for the introduction of the words “of not less than 1,000 inhabitants,” which constituted a populous place. They were inserted in the House of Commons by a right hon. Gentleman (Mr. Childers) who was a Colleague of the noble Earl. Very possibly the insertion of these words had not tended to improve the Bill. The noble Earl said a definition had been inserted in the Bill of what a “populous place” was, which was no definition; but he would remind him that these very words had been already inserted in two Acts of Parliament, the 13 & 14 *Vict.* c. 33 sec. 22, and the 25 & 26 *Vict.* c. 101. They had therefore two Act of Parliament containing a positive definition of what was intended. Moreover, a Bill introduced into the other House this

Session by Sir Robert Anstruther dealt with the subject in the very same way. Populous places were thus recognized as places ascertained to be such according to a particular rule. He hoped he had disposed therefore of his noble Friend’s objection that the term “populous place” had not been defined, having shown that the definition of it already existed in two Acts of Parliament. The noble Lord had himself admitted, moreover, that the definition was such as would bring within a town certain places outside its regular limits. Such portions would be included within the adjacent borough, as it would be inconvenient for persons visiting the town for marketing or for other purposes, and putting up in such places, to be outside the jurisdiction of the town, owing to their not forming a part of the area subject to the sanitary authority. The arrangement proposed by the Bill was therefore a necessary one. He would not discuss the propriety of giving the magistrates the discretion of determining what were populous places; but he would say he thought it was a discretion that could be exercised by the licensing justices quite as well as by the Census Commissioners who had in their Report attempted to solve the definition of “populous place.”

THE EARL OF MORLEY said, he should not trouble their Lordships to divide upon the Amendment. At the same time he would remark that it seemed to be admitted that the definition in the Bill was a very unsatisfactory one. Perhaps, when they came to the Interpretation Clause it might be amended, or on the Report the Government might be able to announce that a better one had occurred to them.

THE DUKE OF RICHMOND said, that the words in the Bill were not inserted by the Government.

THE MARQUESS OF BATH rose to make a suggestion, which might, perhaps, obviate the difficulty—namely, to omit the words after “district” in the first line of the clause, and also of sub-section 3; the effect of which, he said, would be to introduce the uniform hour of 11 for closing in all places outside the metropolitan district. It would simplify the Bill very much, and get rid of the necessity of defining “time” and “populous place,” and make the law alike for all. He could really see no objection to the proposal. So far as he had observed the

working of the Act of 1872, though it might have had some beneficial effect, it had not stopped drinking among a certain class. Though they certainly did not see the streets and the village roads so full of drunkards as before, there was, practically, a great deal of drinking going on; but whereas drinking was before confined for the most part to men and grown-up boys, it was now extending among women, and even among children. That circumstance proved that the diminution of the hours had not operated as a check upon drinking so much as had been supposed; and when so great a simplification of the Bill was to be obtained in the way he had pointed out, he did not think that the fear of occasioning more drinking should be allowed to weigh against the advantage which it would confer.

THE LORD CHANCELLOR said, he wished to say a few words on the subject under consideration. In discussing it, they must bear in mind the Interpretation Clause. No doubt this was an extremely difficult question, but it was a difficulty they must face and endeavour to deal with in some way. He would also venture to remind their Lordships that the point had received great attention in the other House of Parliament, and that different views were taken with regard to it—in fact it was not at all surprising that the definition should be open to criticism and observation. He ventured to suggest that in the Interpretation Clause the words “not being less than one thousand” had been inserted in the wrong place. The Bill imposed upon the justices the duty of understanding the word “town” as it was defined by the Public Health Act; but they were to include in the town any place or places which in their discretion ought to be included in it, provided there were not less than 1,000 inhabitants in the whole area thus included. As regarded towns, that discretion was given, and a very important discretion it was. He thought there should be an interchange of words in lines 9 and 10 at page 12 of the Interpretation Clause, and that the definition of populous place should run thus—“Populous place means any area of not less than 1,000 inhabitants, which by reason of the number and density of its population the Licensing Committee may by order determine to be a populous

place.” With this change, it would be required that there must be 1,000 inhabitants in a populous place as well as in a town; and it would not be sufficient to find an area—there must be an authority exercising a discretion as to whether the population was dense or sparse. If discretion were exercised as to towns, there was no reason why it should not also be exercised as to populous places.

THE EARL OF KIMBERLEY said, he did not mean to argue that the collocation of words in the Interpretation Clause might not be improved, and he thought the alteration suggested by the noble and learned Lord would be an improvement. But the case as regarded towns, and as regarded populous places was not the same. The limit placed upon a populous place was that there should be 1,000 inhabitants, but there was no limit laid down as regarded density and area. He objected to that as being too indefinite; and still further, that no guide whatever was given to the licensing justices as to what constituted density of population. He could not help thinking that some inconvenience would result from the discretion given to the licensing justices in deciding this question, but at the same time he should not recommend his noble Friend behind him to press his Amendment.

EARL BEAUCHAMP pointed out that the moment they descended to figures and limitation of area they involved themselves in further difficulties. He would mention three districts which came under the designation of “populous places,” and which it would be exceedingly difficult to define. The first was Petersfield, a Parliamentary borough, the population of which, in 1871, was 1,587, and the area in acres 237, giving slightly over six persons per acre; Stony Stratford, not a Parliamentary borough, but a market town, had a population of 1,973, and an area of 70 acres, giving a density of population of slightly over 28 persons per acre; and Lutterworth, with a population of 2,080, and an area of 1,890 acres, gave a density of population of only slightly over one person per acre. So that in these three places, which were practically of the same character, density of population would give as much difficulty as to define what was a “place,” and

it would be impossible to lay down any absolute direction in the matter.

EARL GRANVILLE also concurred in the difficulty of defining what was a populous place, and said that different licensing justices would take different views of the question, especially as to what was and what was not to be included in a given area.

EARL FORTESCUE pointed out that the shifting and variable nature of populations, such as by emigration and strikes, might affect the question, and then the magistrates would be required to alter the hours in accordance with the altered state of things.

THE DUKE OF RICHMOND said, he saw all the difficulty of the question, and would promise that it should receive careful consideration.

Amendment (by leave of the Committee) *withdrawn*; Clause, as amended, *agreed to*.

Clause 4 (Exemptions as to theatres repealed) *agreed to*.

Clause 5 (Exemptions as to beer-houses. Exemptions as to harvesting, &c. Further exemptions as to beer-houses).

EARL NELSON said, this clause gave the same power to the magistrates in regard to exemptions as the 26th section of the principal Act gave to the licensing authorities; but it contained words which while they appeared to extend their power did really restrict it. The clause professed to give power to grant exemptions for the accommodation of persons engaged in fishing and harvesting operations. Now, the Act of 1863 already contained power sufficient for this purpose, and as the maxim was *inclusio unius exclusio alterius*, these words apparently took away the power in other cases. The words were unnecessary, and he proposed to strike them out. He submitted that these exemptions were not required under the new Bill, and proposed to omit the words giving power of exemption in case of harvesting and fishing operations.

Amendment *moved*, in page 2, line 40, to leave out from ("house") to ("The") in page 3, line 3.—(*The Earl Nelson*.)

EARL BEAUCHAMP admitted that, under the Act of 1872, exemption in these cases certainly existed.

Amendment *agreed to*.

Words *struck out* accordingly; clause, as amended, *agreed to*.

Clause 6 (Power to vary on Sunday afternoon hours of closing premises for sale of intoxicating liquors) *agreed to*.

Clause 7 (Early-closing licenses) amended, and *agreed to*.

Clause 8 (Remission of duty in case of six-day and early closing license) *agreed to*.

Clause 9 (Sale of liquors on Sundays to lodgers by holders of six-day licenses).

EARL BEAUCHAMP said, this clause, taken in conjunction with Clause 11, seemed to be very difficult. He therefore proposed to omit Clause 9 altogether, and insert the words contained in it as the first paragraph of Clause 11.

Clause *disagreed to*.

Clause 10 (Penalty for infringing Act as to hours of closing).

On Motion of the Earl BEAUCHAMP, Amendment made in line 28, by leaving out ("in contravention of this Act").

Clause, as amended, *agreed to*.

Clause 11 (Saving as to bona fide travellers and lodgers).

EARL BEAUCHAMP *moved*, in page 4, line 35, after ("house") to insert—

("Provided, that no person holding a six-day licence shall sell any intoxicating liquor on Sunday to any person whatever not lodging in his house").

Amendment *agreed to*; words *inserted*.

THE MARQUESS OF BRISTOL *moved* to leave out the clause, and insert instead the following clause:—

"Nothing in this Act or in the principal Act contained shall preclude—(1.) The sale at any time at a railway station of intoxicating liquors to persons arriving at or departing from such station by railroad; or (2) a person licensed to sell any intoxicating liquor to be consumed on the premises from selling such liquor at any time to persons lodging in his house, or to travellers. A person for the purposes of this Act and the principal Act shall not be deemed to be a traveller unless the premises where he demands to be supplied with such liquor are at least three miles distant from the premises where he lodged during the preceding night, such distance to be calculated by the nearest public thoroughfare. Where, in any proceedings against a licensed person for an offence against the provisions of this Act or the principal Act relating to closing, the defendant fails to prove that the purchaser of the intoxicating liquor was a traveller, but the Court is satisfied that the defendant believed the purchaser to be so, and took reasonable pains to ascertain the fact, the

Court shall dismiss the case against the defendant, and may, if they think that the purchaser falsely represented himself to be a traveller, direct proceedings to be taken against the purchaser under the twenty-fifth section of the principal Act."

EARL BEAUCHAMP defended the definition of the *bond fide* traveller given in the clause—namely, that no person should be deemed a *bond fide* traveller unless the place where he lodged the preceding night was at least three miles distant from the place where he demanded to be supplied with liquor.

THE MARQUESS OF BATH thought the noble Lords on the Opposition benches, who professed to be such friends of the people, might fairly find fault with this clause. If a man travelled from Manchester to Liverpool and back the same day, arriving in Manchester after the closing hours, he had no club to go to, he had no cellar of his own, and although unmistakably a traveller, he would not be able to get refreshment at the next public-house, as he would not be three miles from where he had slept the previous night.

THE EARL OF KIMBERLEY said, the definition was, no doubt, objectionable. Under it it might happen that a town traveller, who had driven about for more than 20 miles in the course of the day, could not obtain any refreshment, not being at any time perhaps three miles from home.

Amendment *negatived*.

Clause 12 (Hours of closing night houses).

THE EARL OF KIMBERLEY feared that if the hours of opening and closing refreshment houses were, as they would be under this clause, made the same as those of public-houses, a large number of persons would be subject to inconvenience. Under its provisions, after or before a certain hour, no man not a *bond fide* traveller could get so much as a cup of coffee at a refreshment house. He did not see how that could be said to be a provision in the interest of the public, and it was far more restrictive than anything which was in the Act of 1872.

EARL BEAUCHAMP said, it was found necessary to make this alteration in the law because experience had proved that it would be impossible to preserve public order unless some restrictions were put upon refreshment houses.

The Marquess of Bristol

THE EARL OF KIMBERLEY said, that if the restriction, although not desirable in itself, was nevertheless necessary for the preservation of law and order, he had not another word to say; but he hoped that they had now got rid of the idea that this was a measure based upon the principle of freedom.

THE MARQUESS OF SALISBURY admitted the clause was a restrictive one.

Clause *agreed to*.

Record of Convictions and Penalties.

Clause 13 (Mitigation of penalties).

LORD COTTESLOE advised that the clause should be altogether omitted, as it would lead the magistrates to think that Parliament wished them to act with leniency. He did not think that the minimum fine of 20s. provided for in the principal Act was too much to exact from those who contravened its provisions.

LORD ABERDARE said, he could see no reason for altering the existing law. All the evidence showed that the provisions in the principal Act worked well. In those localities where under the old law the magistrates acted with the greatest strictness the fines averaged £2 15s., whereas in those in which they were indulgent the average fine was only 2s. for the very same class of offences. Therefore, he believed the principle of fixing a minimum penalty was a wise and salutary one.

THE DUKE OF RICHMOND thought that the justice of the case in respect to a first offence, which might be of a trivial kind, might be met by enabling magistrate to inflict a reduced fine; but in the event of a second conviction, then the magistrates should not be permitted to make the penalty less than 20s. He thought the alteration of the law in this respect a wise one.

Clause *agreed to*.

Clause 14 (Record of convictions on licences).

LORD COTTESLOE contended that it was unwise to take from the magistrates the power of endorsing convictions on licences in the way set forth in the Act of 1872. By the present Bill the magistrate could not make that record upon the publican's licence unless he were directed to make it. It would be unfair to the magistrate to have this matter of discretion imposed upon him.

EARL BEAUCHAMP said, that the existing law on this subject imposed a hard-and-fast line, and the clause in the Bill would leave a proper discretion in the hands of the magistrates. The conviction of the respectable publican would be considered by him as a very serious matter without having it recorded on his licence. In the case of convictions where character was at stake, he considered it objectionable that a hard-and-fast line should prevail.

THE EARL OF KIMBERLEY said, that the record of convictions was introduced into the Act of 1872 for the purpose of preventing brewers being indifferent to the character of their servants who, as tenants, occupied public-houses, and with the view of compelling all owners to exercise due vigilance, so that they should select none but respectable persons to occupy licensed houses. The present clause did not do away with endorsing the conviction on the licence; but while it gave the magistrate discretion, it by no means allowed him to pass the matter *sub silentio*. He (the Earl of Kimberley) regretted the alteration which the Bill proposed to make in the clause of the Act because he considered the change unnecessary, and therefore mischievous, in the interest of the publican. The existing law said that the conviction should be endorsed on the licence unless the magistrate determined otherwise. Evidently the intention of the Legislature was that there should be endorsement unless where some peculiar circumstances intervened, and it would be hard to press the law to extremity; but the proposed alteration of the clause was a sort of intimation to the magistrates throughout the country not to be too hard on those who were brought before them for breach of the licensing laws. He regarded the clause as a product of the General Election, and he believed it was inserted in the interest of the publican.

THE DUKE OF RICHMOND said, unless he was very much mistaken the elections produced something else besides this clause. The fact was the working of the Act of 1872, in respect to the endorsement of licences on conviction of the holders, was found to be defective. Magistrates had now and then been compelled to endorse licences in cases where they would not have done so if they could have avoided it; and on

some occasions when it was not the intention of the magistrates that convictions should be endorsed, an endorsement was subsequently made through misconception on the part of the magistrates' clerk. There was every necessary safe-guard in the clause, and no harm could possibly ensue from its becoming law.

LORD ABERDARE alluded to the fact that one of the objections now urged against this clause of the Act had been put forward when the Bill in 1872 was before the House of Commons.

THE MARQUESS OF SALISBURY said, the clause had been strenuously opposed in the House of Peers, but with the assistance of Lord Shaftesbury and the Bishops, the late Government contrived to retain it in the Act.

Clause amended, and *agreed to*.

Clause 15 (Record of conviction for adulteration) *agreed to*.

(Regulations as to entry on Premises.)

Clause 16 (Constable to enter on premises for enforcement of Act); and Clause 17 (Search warrant for detection of liquors sold or kept contrary to law) *agreed to*.

Occasional Licences.

Clause 18 (Occasional license required at fairs and races) amended, and *agreed to*.

Clause 19 (Occasional licences—extension of time for closing); and Clause 20 (Offences on premises with occasional license) *agreed to*.

Miscellaneous.

Clause 21 (Supply of deficiency in quota of borough justices on joint committee); Clause 22 (Provisional grant and confirmation of licenses to new premises); Clause 23 (One license of justices may extend to several excise licenses); Clause 24 (Confirmation of license to sell liquor not to be consumed on the premises not required); Clause 25 (Joint committee to make rules under sect. 43 of principal Act); Clause 26 (Notices of adjourned Brewster sessions and of intention to oppose); and Clause 27 (No appeal to quarter sessions in certain cases) *agreed to*.

Clause 28 (Substitution of licensing justices for Commissioners of Inland Revenue as respects certain notices);

and Clause 29 (Definition of term "owner") *agreed to*, with Amendments.

On Motion of the Lord ABERDARE, Clause 30 (Temporary continuance of licences forfeited without disqualification of premises) *struck out*.

Clause 31 (Saving as to section 9 of the principal Act) *agreed to*.

Clause 32 (Person not to be liable for supplying liquor to private friends without charge).

LORD ABERDARE said, there was no clause in the Bill which should be more definite and free from ambiguity than this.

THE LORD CHANCELLOR said, he *agreed with the noble Lord*.

Clause *agreed to*.

LORD WHARNCLIFFE moved to insert after Clause 32, the following:—

"An additional retail licence to sell beer for consumption off the premises may be granted at any special Sessions for licensing purposes to the holder of a strong beer dealer's licence, in the same manner, and subject to the same conditions in and subject to which it might be granted at any general licensing meeting."

Clause *agreed to*, and *added to the Bill*.

Definitions and Repeal.

Clause 33 (Definitions).

LORD CHELMSFORD asked whether instead of "the following expressions have the meanings hereinafter respectively assigned to them," the clause ought not to read, "shall have the meanings hereinafter respectively assigned to them?"

THE LORD CHANCELLOR said, that the modern practice in drafting Bills was never to use the future, but always the present tense.

THE MARQUESS OF BATH moved the omission of the Proviso at line 5—

"Provided that no urban sanitary district, whether including such adjoining houses or not, shall be deemed to be a town, unless it contains one thousand inhabitants."

He did not object to the mode of defining populous places, but he thought the rule as to 1,000 inhabitants was objectionable, and his attention had been drawn to the fact as likely to prejudice the interests of a great number of small places. He knew that in many parts of the country, and especially in Wiltshire, there were a great number of small places which were to all intents and purposes towns, but they were not in

the neighbourhood of larger towns, and they had not the benefit of the privileges that would accrue to them if they ranked as towns. Yet they had a number of shops, and at times they enjoyed a considerable traffic. They were frequented by farmers and others who came to them from a distance, and that was of all others the class that deserved to be considered in the amount of accommodation of this kind they were to enjoy. It was not a matter of great importance perhaps, but he could assure their Lordships that the exclusion of these places from the privileges of towns would be a cause of very great inconvenience and annoyance to a large and respectable class of persons. If the Proviso were left out, the clause would still be sufficiently guarded by the definition of "the urban sanitary district," and also by the discretion which was to be left to the magistrates.

Amendment *moved*, in page 12, line 5, to leave out from ("Provided") to ("inhabitants"), in line 8.—(*The Marquess of Bath.*)

EARL BEAUCHAMP said, he was sorry he could not assent to the Amendment of his noble Friend. Table 7 of the Census of 1871 would show the consequences of the passing of the Amendment. There was a very large number of urban sanitary districts with a very limited population, and the Local Government Board had laid down a rule that they would not in future constitute a local board at any place of less than 2,000 inhabitants. There was one at present which had a population of only 60, and he hoped their Lordships would agree to the Proviso as it stood. If a place could show that it had 1,000 inhabitants, it would have a claim to come under the Act.

THE DUKE OF RICHMOND thought that these details were too minute for their Lordships to go into.

THE EARL OF KIMBERLEY suggested that there should be a periodical revision of places determined as "populous," so that omissions should be corrected, and places struck out where the population had fallen below the limit.

THE DUKE OF RICHMOND thought that there was much in the suggestion that was worthy of consideration.

On Question? *Resolved in the Negative.*

EARL BEAUCHAMP moved to strike out the first lines of sub-section 5, and insert—

“At a meeting especially convened for that purpose in manner provided by any regulations in that behalf, or in default of such regulations by the clerk of the peace as soon as may be after the passing of this Act, and not later than the first day of September, one thousand eight hundred and seventy four.”

That would give time to the magistrate to take whatever steps were necessary for their determining certain places to be populous, while it would not prevent their taking them at an earlier period if it were possible.

Amendment agreed to.

Another Amendment made.

Clause, as amended, agreed to.

Clause 34 (Repeal).

EARL BEAUCHAMP moved, in page 13, line 4, after (“town”) to insert (“for the purposes of the provisions with respect to closing”).

Amendment agreed to.

Clause, as amended, agreed to.

Schedule.

On Question? that the Schedule stand part of the Bill,

THE EARL OF LIMERICK moved an Amendment to the Schedule defining the metropolitan district, so as to include within it the parish of West Ham, and presented a Petition in favour of that proposition from the inhabitants of that parish. The Petition which was signed by magistrates and all classes of the inhabitants, stated that at the last Census the population was 62,000, since which time it had greatly increased; that out of that number there were at least 29,000 operatives who were employed at such times that if this Bill passed they would be precluded from obtaining any refreshment. Under the Act of 1872 the magistrates fixed the hour of opening at West Ham at 5 o'clock in the morning, and the result of the passing of this Bill would be to cut off one hour in the morning and one hour and a-half at night—thus reducing the time by two hours and a-half per day. The Petition included a great many details with which he did not think it necessary to trouble their Lordships. There were, it appeared, 10

railway stations at West Ham, besides the workshops of the Great Eastern Railway, employing some 2,000 workmen. There was a very considerable traffic passing through the parish before the hour of 6 in the morning and after 11 at night, and if the licensed houses were not included in the metropolitan area it would be a great hardship on those persons so engaged. He believed the Members of Parliament locally interested were in favour of West Ham being included in the Metropolitan District for the purposes of this Act. These were substantial reasons which were given by the Petitioners for the prayer of their Petition being granted, and therefore he hoped their Lordships would approve of the Amendment of which he had given Notice.

Amendment moved, in line 20, after (“Charing Cross”) to insert (“together with the parish of West Ham in the county of Essex.”)—(*The Earl of Limerick.*)

THE BISHOP OF ROCHESTER opposed the Amendment. West Ham, or Stratford, as it was more familiarly known, was in reality no part of London in the sense in which Hackney, for instance, was a part of it. The Amendment would lead their Lordships to suppose that there were continuous lines of houses from London to Stratford; but if they travelled there by railway they would find there was a considerable vacant space between the two places, which were separated by the river Lee, forming the boundary between Middlesex and Essex. Not only was West Ham not locally a part of London, but it was not metropolitan in the habits of its people, and in the privileges and advantages which it enjoyed; and it had been with considerable dismay that he believed the better and larger number of the inhabitants found this attempt made to thrust upon them what they considered the metropolitan disadvantages as regarded the hours of opening and closing public-houses. He was the very last person to neglect or despise an appeal from the working men of Stratford. They were a body who ought to be considered. It was at a large and crowded meeting of the workmen of that place that resolutions were passed unanimously entreating that museums and public places might not be opened on Sundays. If their

Lordships were to believe what were the feelings of the inhabitants of West Ham with regard to this proposition, they must respect a Petition signed by 6,000 persons, and presented against this very proposal; they must judge by the memorial of the Local Board, by that of the Guardians of the Poor, and by one from the magistrates, all entreating that they might not enjoy the so-called privilege which it was now proposed to offer them. He appealed to their Lordships not to consent to the Amendment, to the spirit of which the inhabitants themselves were so strongly opposed.

LORD CARLINGFORD protested against what he called the extraordinary Amendment of the noble Earl. The Schedule defined the Metropolis by certain terms, and then the Amendment proposed to pick out a single parish which happened to lie outside the boundary so defined, and which was entirely inconsistent with that definition, and to tack it on to the Metropolis. Why the parish of West Ham should be singled out for this specific purpose in order to have its drinking-houses increased he could not understand, and he hoped their Lordships would adhere to what took place in the other House, and refuse to accede to this exceptional legislation. Almost every authority within the parish had protested against the proposed change. The only thing which could have encouraged the noble Earl to make this proposition must have been the deputation which was arranged by the licensed victuallers within the last few days, and who waited upon the President of the Council to urge the claims of this parish upon the noble Duke's attention. He hoped their Lordships would not for a moment assent to the proposition.

EARL BEAUCHAMP said, the case of West Ham was a very peculiar one. There was no doubt it was beyond the outskirts of London; but from time to time they might look forward to those outlying places becoming part and parcel of the Metropolis, and what he was prepared to do was to amend the Schedule by the addition of the words "for the time being," after the word "place"—so that, in the case of West Ham and parishes similarly situated, the words applicable to the Metropolitan District would come in force, and they might fairly claim the hours of extension as

applied to London. The Schedule, as amended, would read:—

"The city of London or the liberties thereof, or any parish or place for the time being subject to the jurisdiction of the Metropolitan Board of Works, or within the area contained within a circle the radius of which is four miles from Charing-cross."

THE MARQUESS OF BATH said, there was no doubt that persons possessed of a certain amount of property approved of restrictions being placed upon public-houses, because for the most part they themselves belonged to clubs, where they could repair at any hour of the night or morning and get what they required, and if they went home they had cellars which were well-stocked with wine, spirits, or beer. It was therefore a matter of indifference to them what hours public-houses were permitted to keep open. He would like to ask them whether it was proposed to restrict the hour at which their clubs were to keep open in the same way as public-houses, they would so readily acquiesce in the proposition. With this observation he was content to leave the matter, hoping however there would be no desire to keep any district from the operation of the Bill that could be fairly included within its provisions. The meetings of the School Board and of the Board of Guardians which had petitioned against his proposal had been very thinly attended, and did not represent the general feeling of the inhabitants. The Bill as it stood would deprive them of an entire hour. They now opened at five o'clock in the morning, but after the passing of the Bill they would not be able to open until 6 o'clock.

LORD LAWRENCE opposed the Amendment.

On Question? *Resolved in the Negative.*

On Motion of the Earl BEAUCHAMP, Amendment made, in line 17, by inserting ("for the time being") after ("place").

Schedule, as amended, *agreed to.*

The Report of the Amendments to be received on Tuesday next; and Bill to be *printed*, as amended. (No. 160.)

FOYLE COLLEGE BILL [H.L.]

A Bill for the better management and regulation of Foyle College in the city and county of Londonderry, and for vesting in the Governing Body of such College the present school-house and premises belonging to such College, and for vesting the right of appointment of Head Master of such College in the Bishop of Derry and Raphoe and the Governor of the Honourable the Irish Society—Was presented by The LORD CHANCELLOR; read 1^a. (No. 159.)

House adjourned at half past Nine o'clock, to Thursday next, half past Ten o'clock

HOUSE OF COMMONS,

Tuesday, 7th July, 1874.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Land Titles and Transfer [136]; Real Property Vendors and Purchasers * [137]; Real Property Limitation * [138]; Supreme Court of Judicature Act (1873) Amendment [179]; Court of Judicature (Ireland) [168]; Commissioners of Works and Public Buildings * [188]; Industrial and Reformatory Schools * [193]; Local Government Board's Provisional Orders Confirmation (No. 4) * [194].
Second Reading—Referred to Select Committee—New Mint Building Site [162].
Committee—Report—Customs (Isle of Man) * [178]; Slaughterhouses, &c. * [150]; County of Hertford and Liberty of Saint Alban (*re-comm.*) * [190].
Committee—Report—Considered as amended—Third Reading—Wenlock Elementary Education (re-comm.) * [161].
Third Reading—Hosiery Manufacture (Wages) * [124]; Hertford College, Oxford * [103], and passed.
Withdrawn—Labourers Cottages (Scotland) * [63]; Inclosure * [122].

MERCHANT SHIPPING ACT—UNSEAWORTHY SHIPS.—QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, What number of Vessels have been detained for survey by the Board of Trade under the Act of 1873 up to 30th June last; and, if he will give the number for each month separately?

SIR CHARLES ADDERLEY: Sir, the number of ships detained for overloading during the 11 months ended the 30th of June, 1874, was 22, every one of which was lightened to the surveyor's satisfaction. During the same 11 months 294 ships were detained for survey on account of defects in their hull

and equipments. On survey 13 were released, and 281 were repaired or broken up. This showed, not so much a great number of unseaworthy ships out of 26,000 on the British Register, as the care taken by the Board of Trade to detain ships only on trustworthy reports. The numbers during the different months would be shortly presented to the House, with a Report on the subject.

CIVIL SERVICE COMMISSION—THE SUPERANNUATION ACT.

QUESTION.

MR. W. GORDON asked Mr. Chancellor of the Exchequer, Whether the instructions to the Commission now sitting on the Civil Service embrace the subject of an inquiry into the operation of the present Superannuation Act; and, if not, whether he will take into consideration the question whether alterations may not be advantageously made in the present terms of retirement under that Act, so as to facilitate retirement and cause such a flow of promotion as is expedient to secure the efficiency and contentment of the Service, and enable juniors, long in the Service, to rise to salaries commensurate with their experience and responsibilities?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the instructions given to the Commission on the Civil Service did not embrace an inquiry into the operations of the Superannuation Act specifically; but it was possible they might touch on that subject in the course of their Report. As to whether alterations might not be advantageously made in the present terms of retirement, so as to facilitate retirement and cause a better flow of promotion, that was a large and serious question which he was not now prepared to take into consideration.

CONFERENCE AT BRUSSELS—RULES OF MILITARY WARFARE.—QUESTION.

MR. SERJEANT SIMON asked the First Lord of the Treasury, Whether Her Majesty's Government have determined to send a representative to the Congress to be held at Brussels; if so, under what conditions, with reference to the subjects to be considered, and what will be his powers? If he was not out of Order, he would beg to ask whether

the right hon. Gentleman was in a position to give them any information on the subject beyond the statement made in "another place?"

MR. DISRAELI: Sir, Her Majesty's Government have offered to send a delegate to the Congress at Brussels if we receive satisfactory assurances on various points which have been communicated to the Russian Government. With regard to the conditions to which I refer, and to which also the hon. and learned Gentleman refers, and other details, I think it would not be convenient at this moment, and that it would lead to misapprehension, if I were to enter into any explanation. The Papers will be laid almost immediately on the Table of the House, and will give full information on this subject. I shall be disappointed if they are not laid on the Table during the present week.

SLAVE TRADE PAPERS—CLASS A.

QUESTION.

MR. W. CARTWRIGHT asked the Under Secretary of State for Foreign Affairs, If he could state at what date the distribution may be expected of the Slave Trade Papers, Class A, which were laid formally upon the Table of the House as long ago as August last year, and the early distribution he promised on April 23rd?

MR. BOURKE, in reply, said, that they would be laid on the Table next week. Their publication had been delayed to obtain verbal explanations of two or three Despatches from our Minister at Madrid relative to the slave trade at Cuba and Porto Rico.

ARMY EXAMINATIONS.

QUESTION.

MR. GODDARD asked the Secretary of State for War, Whether his Department have it in contemplation to abolish the present system of competitive examinations for the Army, and substituting in its stead some fixed standard of marks by which candidates may qualify themselves for direct Commissions?

MR. GATHORNE HARDY: No steps, Sir, of any kind have been taken with respect to this subject by the War Department.

Mr. Serjeant Simon

PARLIAMENTARY ELECTIONS ACT, 1868 —STROUD ELECTION PETITIONS.

QUESTION.

MR. MONK asked Mr. Attorney General, If he can inform the House whether there is any reason to believe that the trial of one of the Stroud Election Petitions will have to be postponed until after the Assize Circuits are over, in order to enable Mr. Baron Bramwell to attend the Hertford Assizes; and, if so, whether he is of opinion that under the provisions of "The Parliamentary Elections Act, 1868," a learned Judge upon the Rota is empowered to order an adjournment for a purpose in no way connected with, or arising out of the trial of the Election Petition?

THE ATTORNEY GENERAL: I am, Sir, unable from any knowledge or authoritative information which I myself possess, to inform the House whether there is reason to believe that the trial of one of the Stroud Election Petitions will have to be postponed until after the Assize Circuits are over, in order to enable Mr. Baron Bramwell to attend the Hertford Assizes. I have been informed by my hon. and learned Friend who has put the Question to me, that a statement to the effect of that involved in his first Question has appeared in the ordinary channels of information, but I have not myself seen it. As regards the second Question of my hon. and learned Friend, I am of opinion that, under the provisions of the Parliamentary Elections Act, 1868, a learned Judge upon the Rota is empowered to order an adjournment for a purpose in no way connected with, or arising out of the trial of the Election Petition. The terms of the Act do not appear to me to impose any restraint upon the exercise of his discretion. The words are—

"The Judge presiding at the trial may adjourn the same from time to time, and from any one place to any other place within the county or borough, as to him may seem expedient."

The Judge has other duties to discharge besides those of an Election Judge, and the Act does not, in my opinion, give any priority as regards the discharge of his duties as an Election Judge over those to be discharged by him as a Judge of Assize. He is, of course, bound to exercise his discretion, according to the circumstances in which he is placed, and to all the duties which he

has to perform; but I cannot suppose that a Judge of Mr. Baron Bramwell's experience would be wanting in a sound exercise of such discretion.

FINES FUND (IRELAND).—QUESTION.

MR. REDMOND asked the Chief Secretary for Ireland, If he will be good enough to explain the annual payment from the Fines Fund (Ireland) of £500 to the Consolidated Fund, no charge being made upon the latter fund in connection with the imposing, levying, or auditing of fines in Ireland?

SIR MICHAEL HICKS-BEACH: Sir, by the Act 6 & 7 *Vict.* c. 78, s. 3, the Fines Fund was charged with the payment of £500 a-year to the Consolidated Fund towards the salary of the Chief Remembrancer of the Court of Exchequer, who was then, and up to the year 1850, Auditor of the Accounts of Fines and Penalties under 1 & 2 *Vict.* c. 99, and 6 & 7 *Vict.* c. 56. In the year 1850, the Act 13 & 14 *Vict.* c. 51 was passed, abolishing the office of Chief Remembrancer, and transferring to the Chief or Under Secretary the power of auditing these accounts, but the charge of £500 a-year is still paid by the Fines Fund to the Consolidated Fund.

RETURN OF EMOLUMENTS OF TEACHERS (IRELAND).—QUESTION.

CAPTAIN NOLAN asked the Chief Secretary for Ireland, with regard to the Return of Emoluments of Teachers granted on the 17th April, When the Irish portion of that Return will be laid upon the Table, and also what is the cause of the delay in its production?

SIR MICHAEL HICKS-BEACH, in reply, said, that the usual requisition for the Irish portion of the Return was not sent out from the Home Office when the part of it was ordered relating to England and Scotland, and that this had delayed its production.

ARMY—A TACTICAL STATION—CENTRAL ARSENAL.—QUESTION.

MAJOR BEAUMONT asked the Secretary of State for War, If he will be willing to defer the purchase of land for a tactical station in the North of England until the House has had an opportunity of discussing the question of a central arsenal?

MR. GATHORNE HARDY, in reply, said, the subject had undergone a good

deal of consideration, and instructions had been given for the purchase of land for the purpose. He did not think it would be for the interest of the public that the purchase of land should be deferred until there had been an opportunity of discussing the question of a central arsenal.

LAND TITLES AND TRANSFER

BILL [*Lords*].—[BILL 136.]

(*Mr. Attorney General.*)

SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL, in moving that the Bill be now read a second time, said, its Preamble was concise, but expressive. It declared that it was expedient to make further provision for the simplification of the title to land, and for facilitating the transfer of land. Public attention had been for years directed to this subject. The importance and necessity of legislating with respect to it had been almost universally recognized—it had been inquired into by Royal Commissions and by Committees of both Houses of Parliament, and their Reports abounded in information of the most useful character; but their recommendations and suggestions had not as yet been adopted to an extent that had led to any substantial benefit to the public. Throughout the many years that this subject had been under consideration, the establishment of a land registry had been the prevailing idea that had influenced the various schemes that had been brought forward. Upwards of 200 years ago, in consequence of the then depreciation in the value of land, a Committee was appointed by the other House of Parliament for the purpose of investigating the general question of the tenure of land. That Committee made its Report in 1669, and stated that, in their opinion, the chief cause of the depreciation in the value of land was the uncertain state of the titles; and they recommended, as a measure of precaution, the adoption of a system of registration. And here he would request the House to bear in mind the distinction between the registration of titles and the registration of deeds and assurances. The latter system was that, for the adoption of which all the earlier proposals were made. An example of it was furnished

by the Acts, passed in the first part of the last century, for establishing registers for the county of Middlesex and the West Riding of Yorkshire. The objections to such a system were obvious; it tended to accumulate the entries affecting the properties in question to such a degree as to make the difficulties of search great, as well as to increase expense, the difficulties and the expense becoming augmented in proportion as the register was made more complete. They had to search, not for one entry, but for several entries, and they had to put their own construction on the combined effect of several entries. To some extent, no doubt, additional security might be obtained by a registration of deeds and assurances; but as that security was increased, the greater became the difficulties in the way of the transfer of land. The system of registration of title, on the other hand, was, or ought to be, of the most simple character. By means of proper classification and indexing, the entry of the title to any particular property ought to be capable of being at once found. Having once found the entry relating to the property, the ownership and the character of the ownership would be at once ascertained, and all further information might be obtained which might be required by the intending purchaser or mortgagee. The system of registration, which it was proposed to establish by the present Bill, was a register of title, as distinguished from a register of deeds and assurances. But before referring more particularly to the provisions of the Bill, he might be allowed briefly to advert to the various steps which had been taken during the last 20 years, in the way of inquiry, suggestion, and legislation, towards devising and perfecting a satisfactory system of registration. He took that period because the Report of the Commission appointed in 1854, to which he was about to refer, contained a large portion of the materials on which the Bill before the House was founded. The Commission of 1854 was constituted in a manner to secure the confidence of Parliament and of the general public; it comprised among its Members the present Lord Chief Justice, the late Lord Westbury, Sir Joseph Napier, his right hon. and learned Friend the Member for the University of Cambridge (Mr. Spencer

The Attorney General

Walpole), and the right hon. Gentleman the Member for the University of London (Mr. Lowe), and several others who were chosen for their professional experience or practical common sense. The leading views put forward in the Report of the Commission, which appeared in 1857, were that the fee simple title should alone be registered, and that charges and leases should form the subject of a separate register; that the title to be shown and registered was not necessarily to be a Parliamentary or indefeasible title; that equitable interests should be secured and protected by a system of *caveats*, or notices placed on the register; that it should be competent to a landowner, if he desired it, to register with a statutory or indefeasible title; and that both central and district registries should be established. There were besides a variety of other recommendations, to which he did not think it necessary to draw the attention of the House. This Report was followed by the introduction of two Bills by the present Lord Chancellor, then Solicitor General, the one for the simplification of the title to landed estates, the other to establish a register of landed estates. Those Bills were substantially founded on the recommendations of the Commission of 1854, and great care was taken that the register should not become a register of deeds, as distinguished from a register of titles. In one material respect only did the Bills introduced by Sir Hugh Cairns differ from those recommendations, and that was, that appreciating the great benefits which had been conferred by the Landed Estates Courts in Ireland, he proposed to establish a new tribunal, to which should be confided the duty of dealing with titles to property. The Dissolution of Parliament in the early part of 1859 put a stop to the further progress of those measures, and the subject was, for a time, dropped; but in 1862 Lord Westbury brought in and carried the Act, which bears his name, and which is still in force. In that Act the noble Lord aimed at a great deal more, both as regarded the nature of the title to be registered and the multiplicity of the interests to be noted, than had been recommended by the Report of 1857, or attempted in the Bills of the present Lord Chancellor. Lord Westbury endeavoured to procure the registration of almost every species of title, and to show

on the face of the register almost every encumbrance by which it could be affected. That Act, however, had proved a failure, for in the first six years after it came into operation, not more than between 500 and 600 applications were made to register under it, whilst during the last two years of that period there had been a marked falling off from those in the earlier years, and such falling off had continued since 1868. Now, in the Australian Colonies a system of registration, following as nearly as possible the recommendations contained in the Report of 1857, had been established. It had been introduced into South Australia in 1861, and at later periods into New South Wales, Tasmania, and Victoria; and he found that, within a period of barely nine years, nearly 20,000 titles had been registered, representing property to the amount of something like £13,000,000 or £14,000,000, whilst the total number of recorded dealings with property approached 90,000. Those facts showed, he thought, that a system of registration was not likely to interfere with dealings in land. With so marked a distinction between the results of the working of the systems adopted in Australia and England respectively, it was not to be wondered at that another Royal Commission should be appointed to consider the defects in the working of Lord Westbury's Act. That Commission was appointed in 1868 and reported in 1869. As the Bills introduced by Lord Hatherley in 1870, and by Lord Selborne in 1873, as well as that before the House, had been severally based upon the views taken by the Commissioners and set forth in their Report, the House would excuse him if he very briefly alluded to the opinions expressed by the Commissioners as to the causes of the failure of Lord Westbury's Act, which were stated by them to be—first, the delay, trouble, and expense of registering titles; secondly, the fear of litigation during the process; and, thirdly, the sense that a registration of all interests in the land would neither protect owners nor facilitate transfers, but prove a hindrance and a burden. Moreover, the Commissioners came to the conclusion that these causes of failure were entirely due to the structure of the Act itself. They were to be attributed to three defects in the Act—first, that it required all titles to be without blemishes,

whereas purchasers and mortgagees were willing to overlook small blemishes; secondly, that it required all titles to be of 60 years' length, whereas purchasers and mortgagees were content with less; and, thirdly, that it required that the description of the land should bind strangers, whereas purchasers were content to make their own inquiries into such matters. Having thus indicated the causes of past failure, the Commissioners stated that, in their opinion, the problem was, not to find a perfect system of land transfer, recording with mathematical accuracy the nature and extent of the land and every interest in it, so that the record should absolutely dispense with the necessity of ordinary examination and inquiries, but, to find a system which, not impairing the present security of owners or purchasers, and not exonerating a purchaser from the easy and obvious task of looking at the outward and visible state of the property, and making inquiry of persons in outward and visible possession of it, should enable the legal ownership to be readily passed from hand to hand, and dispense with the necessity of inquiring after invisible equities and interests, whose only evidence was contained in private documents. The Commissioners then proceeded to make a variety of suggestions with a view to future legislation. In the Bill now before the House an attempt had been made to give effect, in a clear and straightforward manner, to those recommendations. It was, substantially, to the same effect as the Bill introduced last year by Lord Selborne, but in the interval it had been examined in all its parts by Vice Chancellor Hall, than whom no person could be found more competent for such a task. This had been done for the purpose of assisting the late Lord Chancellor, by whom, no doubt, but for the change of Government, the present Bill would have been introduced. With that zeal for the public interest and that courtesy for which he had always been distinguished, Lord Selborne at once, when the change of Government occurred, handed over the Bill and all the information he possessed connected with it to the present Lord Chancellor. In so doing he reciprocated the courtesy and loyal support which he had himself received from the present Lord Chancellor, when the measure was before

Parliament last year. A Bill so prepared, and the principles of which had received the sanction of so many well qualified to judge of its merits, came before the House with much to recommend it; but, in saying this, he (the Attorney General) must not be understood as deprecating criticism. On the contrary, he cordially invited it, and would give his best attention and consideration to any suggestions that might be made. They had first to consider what quality of title it was proposed to register under the Bill. The great defect of the Bill of Lord Westbury was the attempt to register only marketable titles. Under this Bill, it was proposed to make provision for the registration of titles of three kinds—first, titles that were marketable or indefeasible in the strict sense; secondly, titles that were marketable or indefeasible as for a period less than the time hitherto recognized; and, thirdly, possessory titles. Power would be given to a Judge to dispense with what might be looked upon as merely technical objections to title; as, for instance, the absence or loss of a covenant to produce deeds, or the possibility of a woman of advanced age having a child. A similar power would be given to the Registrar to reduce the period, for which it was necessary that an indefeasible title should have lasted, from 60 to 40 years; it was further intended that it should not be essential to fix the boundary with accuracy before the registration. They had next to consider with what interests it was proposed to deal. The Bill proposed to deal with the following interests in land:—First, fee simple titles; secondly, leasehold titles having a certain number of years to run, and, thirdly, charges upon estates, including mortgages. All trusts and unregistered interests were to be protected by *caveats*, or stops. For the present it was intended to make use of the existing registry, but, no doubt, it would eventually become necessary to establish a number of district registries throughout the country. There was one subject, dealt with in the Bill, to which he must particularly advert, as there had been considerable controversy about it out-of-doors, and as to which he had received a large number of communications. He referred to the system of compulsory registration. It was proposed by the present Bill to make registration

compulsory, in the case of any sale taking place after three years from the commencement of the Act, with an exception as regarded properties of less value than £300. A considerable amount of objection had been taken to this system of compulsory registration, but a great deal of it was due to misapprehension as to what the proposed compulsory registration really was. In order to satisfy the provisions of the Act of Parliament, all that would be required would be to register the possessory title, and any additional expense occasioned by this process would be small, and not large as some objectors believed. Compulsory registration did not imply, in this Bill, an indefeasible registration, involving a vast amount of expense before it could be ascertained whether a property was free from incumbrances. To deprive this Bill of its compulsory character would be, as he believed, to take from it its chief advantage. He might add that a further, and not immaterial, advantage, to be derived from registration under this Bill, would be that a conveyance or mortgage might be made in the short and inexpensive form, set out in the Schedule to the Bill. He would not refer, in further detail, to the provisions of the Bill, but would ask permission to refer to two other Bills which stood next among the Orders of the Day, and which, if passed, would, he thought, do much to aid the satisfactory working of the larger and more important Bill. One was intitled the Real Property Vendors and Purchasers Bill. The object of that Bill was to make that law which heretofore parties had frequently made law for themselves—to make rules which should be binding between vendors and purchasers, unless the parties had made different arrangements among themselves. In the absence of any express agreement to the contrary, it was proposed to substitute 40 for 60 years as the period during which a title had to be shown; to make recitals of facts in deeds 20 years old *prima facie* evidence of such facts; to enable the legal personal representatives of a mortgagee to convey the legal estate, when all money due on the mortgage had been paid. It further contained a very useful provision that where any question arose between the vendor and purchaser, a decision might be obtained from a Judge in Chambers. The object of the third Bill,

which was entitled "The Real Property Limitation Bill," was to shorten the periods of limitation. By the existing Act, 20 years was the period given to any person who was dispossessed of his property, and not under any disability, within which he might take proceedings to obtain possession of land or rent; a like period was given to remainder men and mortgagors under circumstances which need not be particularly alluded to. Under this Bill, the period was brought down to 12 years in each of these cases. In like manner 30 years instead of 40 was to be the utmost allowance for disabilities. In asking the House to read these Bills a second time he expressed the belief that they would achieve a work of considerable usefulness with regard to the transfer of land.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General.*)

SIR FRANCIS GOLDSMID moved, as an Amendment—

"That this House, whilst fully recognizing the importance of facilitating and cheapening the Transfer of Land, is of opinion that those objects would not be accomplished by the measure now proposed."

The hon. Member said, he hoped that his having practised for 10 years as a conveyancer might be considered as an excuse for his thinking that he could give the House some information on this important subject. If it was regarded as presumptuous to criticise the Lord Chancellor's measure, his apology was that he had equally high authority on his side—namely, the Lord Chancellor himself. The addition to the 27th clause, made, at the noble and learned Lord's suggestion, on the third reading in the House of Lords, of a direction that compulsory registration should not apply to estates sold at a price not exceeding £300, clearly signified, and could only signify, that the new method of making out titles would be more expensive than the old. The Lord Chancellor might still think the new method more secure; but he was evidently of opinion that security obtained in the way proposed would be a luxury too expensive for small transactions. If the Commissioners appointed in 1870 to inquire into this subject had been unanimous, the recommendations

of the Commission might have deserved much weight. But of the twelve, one (Lord Westbury) seemed to have taken no part in the proceedings; three only signed the Report in the ordinary way; two would not sign it because they were unable to concur in its recommendations, and the remaining six affixed to their names ominous asterisks referring to papers of dissent, which in some instances qualified, and in others almost annihilated, the effect which would otherwise have been attributable to their signatures. Therefore, those who opposed the Bill had not much to fear from the Report of the Commissioners of 1870. He would refer, besides, to the Council of the Law Institution, comprising many of the most eminent London solicitors. They were convinced that the Bill would be useless, but not having the courage to act on their opinion and to recommend that it should not be passed, they merely prayed that alterations should be made in the clauses. Their plan of trying an experiment which they were convinced would fail, might be admissible if it would only do no good; but in his belief it would be mischievous. The Bill, whether with or without the 27th clause, would leave for an indefinite period two systems of land titles and transfer to go on side by side. It was evident that this would add to complication and expense. One deed would have two different operations if it comprised registered and unregistered land, and a buyer would have, first, to search the register to ascertain that the land he had contracted for was unregistered, and then to go through the same formalities as at present. Such a mode of simplifying titles and facilitating land transfer would be little short of grotesque. To ascertain what was hoped for by the advocates of registration, it would be well to look at what they had said in the last debate in that House on the subject, which took place on the 16th of February 1872. Mr. Wren Hoskyns remarked that—

"In every nation in Europe but this, land was now bought and sold with the utmost promptitude, cheapness, and simplicity," and that "the demand was, in fact, no longer that land should be 'as transferable as the Three per Cents,' but as it was now in every other country of Europe."—[3 *Hansard*, ccix., 566-569.]

Mr. R. Torrens said, that—

"The principle of his measure was taken from the Shipping Law. There was no diffi-

culty in transferring the largest interest in shipping; any merchant's clerk or shipbroker could do it with little delay and at small expense."—[3 *Hansard*, ccix. 570.]

Lastly, Mr. W. Fowler stated that—

"If he went to the Bank of England for a transfer of stock, the stock was transferred and no questions were asked as to the trusts on which he might hold it. The only questions put were—'Are you the owner of the stock, and do you want the transfer?' Why should the owners of land in this country not be able to get it transferred as the owner of personal estate could get that transferred?"—[*Ibid*, 574.]

Obviously, the idea of those who proposed registration was that, perhaps, without, but certainly with a solicitor's aid, the purchaser might, by merely looking at the register, at once ascertain whether the vendor could give him a perfectly clear title to the land contracted for. Let any one still entertaining such romantic notions read the 36th section of the present Bill, where he would find interests and charges which need not be put on the register, and to which the land might be subject though the register looked perfectly clear, arranged under nine heads. Six of these were not very important, comprising tithe-rents, to which a purchaser knew that the land was probably subject, and other charges and rights not ordinarily of a serious amount or character. But what of rights of common, rights of way, and tenancies not exceeding 21 years? If land were bought for building a house or row of houses, and the purchase was completed in reliance on a clear register, and then the buyer found his purchase made useless by a right of way running just where he had meant to build, what kind of blessing would he bestow on the advantages of a register? Similar difficulties might arise from rights of common. As to "tenancies not exceeding 21 years," he believed, but was not sure, that the phrase was meant to include under-leases. If so, the plan would not relieve purchasers from the principal difficulty in buying plots of land in London and probably in other large towns, where half-a-dozen leases, one under the other, were of frequent occurrence. At all events, a lease for 20 years at a peppercorn rent, where the lessee was the occupier, was not required to be registered, and as the lessee was not obliged to state his interest to a person who had contracted to buy, the latter might find the value

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of his purchase reduced by an unregistered lease by about one-half. The Bill was put before the House as one likely to simplify matters; but he believed that the 12th clause, separating titles to minerals and to surface, would have a contrary effect. The 13th clause, which prevented the register from being conclusive as to boundaries, was probably necessary; but such a provision had been declared by Sir Robert Torrens, a gentleman with wide Australian experience, and who formerly had a seat in that House, to be certain to make a register useless. It was clear, also, that under the provision in the Bill relating to boundaries, a sixth, a fifth, or even a fourth might be pared off a man's estate. He would next refer to the strange way in which, as it seemed to him, settlements were dealt with. In order to simplify titles, it was proposed that successive interests, such as those of tenant for life, or in tail, were not to appear on the register, but were to be reduced to equitable estates. One or more person or persons were to be registered as proprietor or proprietors in fee simple who might dispose of the settled property, leaving the equitable owners nothing but a money claim against him or them. These provisions appeared to be founded on a theory that settlements were the main cause of the complication of titles. He doubted whether this theory was correct. He was old enough to remember Irish titles before the Encumbered Estates Act, and even West Indian titles before the slavery compensation money was applied towards discharging the encumbrances on West Indian Estates. He had never known any titles comparable with these for complication and entanglement; and that entanglement was produced, not in any appreciable degree by settlements, but almost wholly by multifarious encumbrances, aided in Ireland by a bad register. He hoped that there were now no titles at all like his old friends from the West Indies and from Ireland; but his impression was that even now settlements were a less prolific source of complication than the multiplication of encumbrances, and with the latter the present Bill made hardly any attempt, certainly no effective attempt, to deal. On the other hand, the security of persons interested under settlements would be most seriously impaired by the pro-

visions to which he had referred. As the law now stood, they were, except in rare cases, sure to enter into possession of their estates or interests when the periods fixed for that purpose arrived. As the law would stand under the provisions of this Bill, they might, on becoming entitled in possession, find that their lands had been sold and that they had nothing left but a money claim against an insolvent estate. He would, however, assume that Parliament considered that public utility required that the security of persons interested under settlements should be sacrificed to the simplification of titles, although, considering how commonly a power of sale was to be found in settlements, he thought the hope of simplification of titles to arise from the proposed change was exaggerated. But at least it would not be disputed that the interests of the persons entitled should not be needlessly endangered. For this purpose it was essential that the person to be registered as proprietor should be the one most likely to be trustworthy; and he could not understand why a tenant for life was in this respect to be preferred to trustees having a power of sale. He next desired to say a few words as to the proposed modes of effecting mortgages and charges, which were to be of three kinds. In the first place, came mortgagees, where the mortgagee appeared on the register as an absolute owner, and if the analogy of stock had been followed, no other mortgage of registered land would have been allowed. But the Bill proposed, besides, charges by deposit of land certificates—which were not to be registered—and registered charges. The mortgage by deposit of land certificate was analogous to the present equitable mortgage by deposit of title deeds; but it appeared to him to be entirely inconsistent with the principle of the Bill; that principle being that the title to registered land was to appear on the register. The confusion likely to arise from this, it was attempted to obviate by directing that, on the registration of charges, the land certificate was to be produced. But where the Registrar consented to its non-production for reasons which proved to be false, most serious difficulties as to priority might arise. The Report of the Royal Commission of 1870 had, for the purpose of simplifying titles, proposed that no

charges should be registered. But the Bill followed the recommendation of a most able Commissioner (the late Mr. Waley), that for the sake of convenience there should be a registration of charges. This was one evidence of the truth—too much lost sight of in considering questions of this kind—that the complication of titles arose not so much from the state of the law as from the complexity of transactions, and that the choice often lay between, on the one hand, allowing persons to deal as they pleased with their property, and so make titles complicated, and, on the other hand, restricting dealings for the purpose of making titles simple. This Bill wavered between the two principles, and the result would be most unsatisfactory. He had thought that it might be interesting to the House to know how many different registered titles with respect to different interests in the same piece of land might arise under this Bill, which was to make the title to land so simple, and which for that purpose made so extensive a change in the law. They would be as follows:—Freehold in surface of land, freehold in minerals, freehold in rent, leasehold in surface of land, leasehold in minerals, leasehold in rent, any number of subleases in every one of the three before-mentioned particulars, estate by curtesy in every one of the before-named freehold interests, estate by dower in the same, and any number of registered charges on any of the before-mentioned interests. Besides all these registered titles affecting the same piece of land, there might be the unregistered charge by deposit of land certificate on every one of the before-mentioned interests, whether freehold, leasehold, by curtesy, or by dower. The “leading journal” had done him the honour to refer to his Notice of Motion, and had treated it as the expression of a cautious and doubtful opinion on the success of the measure. He hoped it was cautious, for he had fully considered before expressing it, but it was certainly not doubtful. He had no doubt that a measure which, in attempting to remove old complexities, introduced so many new ones, could not succeed. He saw on the benches opposite a powerful Government which might, he presumed, carry the Bill if they liked. But one thing was beyond the power of that or of any other Government—to make such

a Bill, if passed, conducive to the public convenience. It was natural that the Lord Chancellor should feel an honourable ambition to connect his name with the solution of the problem, so long debated, of establishing in England a really useful land registry. But this Bill would not solve it; and it was much to be desired that he should, for this Session at least, satisfy himself with what would be no mean achievements—the completion of the Judicature Act, and the passing of the two Bills relating to vendors and purchasers and limitation of suits, which were among the Orders of the Day that evening—Bills small in size, but likely to be great in utility. The hon. Baronet concluded by moving his Amendment.

Mr. JACKSON, in seconding the Amendment said, he thought the Bill had been properly described by the Prime Minister as one of first-rate importance. It was difficult to over-estimate the social advantages that would arise from a measure which would simplify and cheapen the means of acquiring land, especially in the interest of the humbler and the lower middle classes. Though he felt bound to oppose the Bill, he admitted that it contained a very great deal which was most excellent and desirable. The evil under which they laboured arose from the fact that the law of England, in the gradual evolution in land of those estates and interests which the growing wants of landowners and of the commercial community had made it necessary to create, had uniformly adhered to the principle of treating those interests as attached to and coming out of the land itself, and had never been satisfied only to look for protection to the persons in whom the land might be vested. It was absolutely unsafe for any person to enter into a contract to sell land without professional assistance—a state of things not creditable to our civilization. There had been persons who had made a living by buying estates at public auctions and then making such requisitions on the parties who sold them as induced the vendors to give money in order to get off the contract rather than comply with the legal necessities of carrying it out. The appropriate cure for the existing evil was that there should be found, or created if necessary, a person or persons who should have such an ownership as would enable

them to convey the land to a purchaser without the concurrence of all the persons who up to this time had been obliged to be made parties to the conveyance. That was the first great principle to establish under a system of land transfer, and it was to be found in the present Bill; but that principle must be practically carried out by suitable machinery, and there it was that he felt bound to quarrel with the measure. He thought its machinery altogether inadequate. Bad as the present system was, if they put upon it a compulsory system obnoxious to the criticism of the hon. and learned Member for Reading (Sir Francis Goldsmid), they would really create a greater evil than the one they had cured. He still hoped that the day would come when the transfer of land would be as easy as the transfer of ships or of stock, and he believed that to be perfectly attainable, though not without considerable effort and considerable pecuniary sacrifice. Given a registered owner, they must give the purchaser, the lessee, and the mortgagee proper facilities for ascertaining where the estate was, and what was its nature. For that a cadastral map was necessary, and of that they had the germ in the Ordnance Survey, which when finished would answer all the purposes of such a conveyancing system as the Bill contemplated. Out of the 58,000 square miles of which the surface of England and Wales consisted, upwards of 22,000 had been surveyed and planned on the 25-inch scale, and about 160 towns had been surveyed and mapped on the scale, some of 10ft. and some of 5ft. to the mile. When that survey was completed they might have a system of land registration as easy as the Custom House registry of ships. If the measure should be a success there would be such a mass of business as would stagnate the operations of the office; but if it should be a failure, great harm would be done by placing an enormous expense on an unwilling country. It was said that the Bill would provide for the enlargement of the Registrar's Office and for the establishment of auxiliary registries from time to time; but was that expressed in the Bill in a way to which practical effect could be given? It was proposed that the Lord Chancellor, with the consent of the Treasury, might appoint the necessary officers. But it

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was not by arrangement between the Lord Chancellor and the Treasury that such a thing ought to be done; the plan ought to be worked out by the Government of the day in the House of Commons. The Attorney General admitted the inevitable expense which must be entailed by forcing registration upon purchasers, lessors, and mortgagees, except as to the mere proprietary title. But in the latter case this enforced registration would only show that A. B. had a proprietary title, and the only result would be that A. B. would have to deduce the earlier title, and, in doing so, to go through a greater amount of officialism than would, at present, be necessary. One part of the Government scheme was that every title tendered for registration should be accompanied by a description of the land, and an accurate map or plan of the land. Now, the preparation of a map would be a serious tax on the owners, for it appeared from the Report of the Royal Commissioners that the maps to 27 titles, there referred to had cost £271, being an average of £10 for maps alone. The Attorney General took great credit for the fact that this Bill was based on the Report of the Commission of 1868, and he told the House that the compulsory clauses were, if not the essence of the Bill, at all events, its greatest ornament. Now, he had carefully looked into the Report of the Commissioners, and not one of them had suggested that there should be any compulsion; on the contrary, their recommendations were entirely confined to something which should be tentative and experimental. The Commissioners had not called one witness who had gone into the probable amount of business to be done or the staff which would be necessary. In fact, as he had stated, it never occurred to their minds that the measure should be other than experimental. The hon. and learned Member for Reading had approved the limitation of the compulsory power to proprietors below £300. If anybody required improvement it was not the rich man, but the poor man who wished to become a landowner, and wanted to make the land a merchantable commodity at a small cost. Sir Hugh Cairns in 1859 brought in a Bill corresponding in many of its provisions with the Bill now under consideration, and speaking of a registry of deeds, he said that—

"The objections are so manifest that hardly any person in the present day would venture to propose it. Those objections are of this kind: To be worth anything a register of deeds must be made compulsory, and you must have it for the whole country . . . Moreover the cost to the country of the establishment by which a registration of deeds could be managed would be something which, I should think, none of us would like to contemplate. I believe the calculation is, that for this country you must have the materials for registering a thousand deeds every day."—[3 *Hansard* clii. 298-9.]

In the same speech Sir Hugh Cairns said—

"I am persuaded that a system which introduces itself without compulsion, by degrees, and just and only just in proportion as it is suited to the objects it professes to attain, is the system best adapted for the tastes, the prejudices, and wants of this country."—[*Ibid.* 304.]

Again, when Lord Selborne proposed the Bill of 1873, the present Lord Chancellor said—

"He did not think that their Lordships would do well to impose as a matter of compulsion registration on landowners."—[3 *Hansard*, ccxvi. 344.]

and he was therefore surprised at the entire change which the views of the noble and learned Lord on this subject appeared to have undergone. He was, he might add, expressing the opinions of a great number in the profession, when he said that compulsion would have the effect which had been predicted by Lord Cairns—that it would produce great soreness, great cost, and would not tend to facilitate, but rather encumber and impede, the transfer of land. If, then, the Bill would be a good Bill without compulsion, it would not, he thought, be too much to ask the Government to have confidence in their own measure. The Attorney General had referred to South Australia, and had stated that there, in the absence of compulsory registration, so great an amount of business had been done, that every piece of land had been turned over six times. If that were so, why, he would ask, not leave the system to take gradual hold on the people of this country, who were better judges of what would be useful to them than any amateur or lawyer in that or the other House of Parliament? If the Bill should go into Committee he trusted that these matters would receive full consideration. In that case he should not ask his hon. and learned Friend to press his Amendment. But if the Bill was to be compulsory, it would be his duty to oppose it in every constitutional way.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, whilst fully recognising the importance of facilitating and cheapening the Transfer of Land, is of opinion that those objects would not be accomplished by the measure now proposed,"—(*Sir Francis Goldsmid*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ALFRED MARTEN said, he thought the grounds of opposition to the Bill, as they had been stated, in the course of the discussion, resolved themselves very much into questions of detail, which could be dealt with more conveniently in Committee than on the second reading. The hon. Baronet the Member for Reading (*Sir Francis Goldsmid*) had cited against it the authority of the Lord Chancellor; but he believed that noble and learned Lord was of opinion that it was likely to be a most useful measure, although, speaking individually, the noble and learned Lord would prefer the establishment of some Court such as the Landed Estates Court in Ireland. The country, however, was not prepared, he (*Mr. Marten*) imagined, for the establishment of such a Court at a very great expense, or to throw upon landlords the burden of making out titles of an indefeasible character. If we were now originating a scheme, everybody would, he supposed, be inclined to adopt the principles in force with regard to stock in the public funds, or the hundreds of millions invested in railways; but we had to deal with an existing system, and the practical difficulties which had to be met required that a register should be established which by its gradual operation would bring land so within its scope that it might be dealt with in the same way as stock or ships. He did not hesitate, he might add, to express his confidence that if the Bill were to pass, that result might, with regard to the great bulk of land, be attained in the course of a few years. The hon. Member for Reading went on to urge it as an objection to the Bill that under the value of £300 there was to be exemption from the compulsory clauses; but there was a fallacy in arguing that, because small transactions—as in the cases of small incomes under the Income Tax Act—were made the subject of

exemption, that exemption should be extended to transactions of a larger character. Reference had been made to observations of the council of the Incorporated Law Society, but that council had expressed a decided opinion that an efficient system of land transfer would be an invaluable boon to the country, and had therefore assented to the principle of the present Bill. The probable difficulties of search had been greatly exaggerated, for the properties would be divided into convenient districts, and every parish would have its land separately designated. It had been contended that Section 36, which contained a list of charges and interests that were not to be incumbrances within the meaning of the Act, would lead to considerable difficulty; but the matters in question—namely, tithes, land tax, liability to repair highways and churches, rights of common and fishing, tenancies of less than 21 years, &c.—were such as were sure to be similarly treated in the ordinary particulars and conditions of sale. With regard to the provision that the registration of land should not be considered to include mines and minerals in the property unless they were expressly mentioned, he was inclined to think that in these days, when mines and minerals were almost always the subject of separate dealings, the course proposed was the more convenient one. It might be objected to the plan of registration proposed by this Bill that it was not founded upon maps upon a large scale. Not half of this country had yet been surveyed upon a large scale. According to the Census taken in 1801, the number of inhabited houses in this country was 1,571,923; but, according to the Census taken in 1871, the number of inhabited houses was 4,259,117; and his opinion was that any system of registration founded on maps would be totally inadequate to meet the changes which were constantly being made in this country. Under these circumstances, he thought they might dismiss the question of maps. This Bill provided, wisely, in his opinion, that on the sale of an estate the parties to the transaction might or might not adopt the map system. One of its objects was to secure the accomplishment of what public policy required—namely, the rendering of the sale or mortgage of land of an easy

and simple description. Under this Bill dealings with land would be placed on the same footing as dealings with the public funds, with ships, or with stock or shares in railways. The principle of the Bill, instead of being in the slightest degree novel, had been in operation for many years in regard to large estates, and the other classes of property he had mentioned. Every settlement and mortgage of land, according to the common forms in use for the last quarter of a century, at least, contained a power of sale framed on the principle adopted in the Bill. By this form the seller was enabled to convey the land absolutely, free from all claims to which it might be subject under the settlement or mortgage. The land could not be followed in the hands of the purchaser; and the remedy of any one aggrieved by the exercise of the power would be personal only against the person exercising the power. This power prevailed already at that moment over a vast number of estates, and, in practice, was not found to be abused. The object of the measure was to put into a convenient and easy form those powers which were now laboriously given, for the purpose of facilitating dealings with property, and, therefore, he earnestly hoped the House would assent to the second reading.

MR. OSBORNE MORGAN expressed regret at being obliged to offer even a semblance of opposition to a Bill which had been revised by Vice Chancellor Hall and adopted by two of the most eminent of living lawyers. He confessed he entertained rather sceptical opinions on the subject of land registration. For the last 200 years the idea of a perfect land registry had been a sort of philosopher's stone after which English conveyancers and real property lawyers had been searching in vain. He remembered six Bills which were introduced for the purpose of establishing a land register, but of these only one survived its birth for more than a few weeks—namely, Lord Westbury's Land Transfer Act of 1862, which was now admitted on all hands to have proved a complete failure. The opinions of the Royal Commissioners were as varied as the number of the Royal Commissioners, and he was not asking too much when he asked them to pause before adopting a measure that bristled with so many difficulties. The present measure pro-

vided for three different kinds, or rather degrees of registration—namely, of absolute, of limited, and of possessory titles. With regard to the first two kinds of registration, this Bill was simply a re-enactment of the Act of 1862, with only two important differences. One was that a 40 years' should be sufficient, instead of a 60 years' title; the other was that under this Bill the Registrar was not required to ascertain boundaries. These two provisions undoubtedly rendered registration much more simple, but, at the same time, far less effectual, inasmuch as it would bind no one except the person who applied for registration. Lord Westbury's Act had been a conspicuous failure. The present duties of the Land Registry Act Office in Lincoln's Inn Fields consisted not in putting titles on the register, but in taking them off. He had been in the habit of passing it daily for many years, and in that long course of time he never saw a single person enter it. The court-yard leading to it was a wilderness; it was covered with grass and weeds—weeds, he might say, grown as high as a man—and was as desolate in appearance as any property that had been in Chancery. The Commission appointed to inquire into the operation of the Act of 1862, reported four years ago, that since its establishment the office had had only 507 applications for registration, and had only completed the registration of 209 titles. Thus, in six years, it had registered rather less than half of the whole number of titles accepted in England and Wales in one day. This office, with its cumbrous machinery and its highly paid officials, had been created and allowed to subsist for the benefit of one purchaser in 5,000. What had led to this conspicuous failure? It was a popular fallacy that titles to land in England were not safe. He believed, on the contrary, that land was about the safest kind of property a man could hold. During an experience of 20 years he had only come across three cases in which a purchaser, taking ordinary precautions and employing a respectable solicitor, had been disturbed in the holding of an estate under the present system. One was a case of forgery, and the other two cases of fraud. No doubt, the Act of 1862 would give a still greater security in the form of a Parliamentary title; but even security might be purchased

too dearly. He had obtained some figures which showed that, without registration, purchases were completed at a cost of about 1 per cent upon the purchase-money, while, in one instance a purchaser who registered his title under the Act of 1862 was over two years in completing his purchase, expended a sum of about £1,000 in the course of the transaction, and, in the end, registered a title with a blot upon it. What was wanted was a cheap and expeditious system; but, instead of securing this, the present Bill bristled with clauses containing the germs of enormous expense, and was, in addition, full of complication. He strongly advised his hon. and learned Friend in charge of the measure to discard from it all the unworkable provisions it contained, and content himself with a simple Bill enacting the registration of possessory titles; for if compulsory registration was to become the law, these were the only class of titles which persons could, with any show of justice, be called upon to register. How did the Bill conform to the standards of uniformity and cheapness, which ought to be the tests of a measure of the kind? With regard to the first point, he could not conceive greater complexity than the Bill would bring about. Estates under £300 were to be exempted from the operation of the Bill. Now, supposing a man purchased an estate for £2,000 or £3,000, and then sold it in smaller lots of £300 each or less, would the sub-purchasers have to be registered under the Bill? If they would have, those unfortunate people would have to search the register, and would not be relieved at all. Then with regard to cheapness, the Attorney General seemed to think the expense of registering a possessory title would be next to nothing; but the various formalities which would have to be gone through in complying with the provisions of the Bill in regard to those titles would probably involve considerable expense, and certainly a great deal of delay. Then they were obliged to have recourse to an elaborate system of *caveats*, because they were the only safeguards they had for persons outside of the register. Anybody who put in a claim to an estate had a right to be served with a notice of an application for its registration, and that system of *caveats* would open the door to an enormous

amount of inconvenience, and also much expense, because many claimants would have to be bought off. It had been suggested that the difficulty might be got rid of by making the 27th clause voluntary only and not compulsory. Now, if they took the system proposed by that Bill, and had to elect between compulsion and permission, he said, by all means, let them make it permissive. But he wished to see a really good workable system established, and then it should be made compulsory. His objection to that Bill was that it was neither permissive nor compulsory, but a sort of hybrid, which was neither one thing nor the other. He did not blame the Government nor their Law Officers altogether for that, because they were approaching a question which was surrounded by difficulties, arising not merely from the nature of the subject, but from the associations which had grown round it like the moss round an old tree, which it was almost impossible to separate from the tree itself. No doubt it would be very easy in a short Bill to assimilate the transfer of land to the transfer of stocks or ships, but would the House of Commons pass such a measure? Before they could arrive at such a simple system they must get rid of many things with which land was associated—jointure portions, entails, and the like. Besides, we had now arrived at a period of the Session when it was hardly respectful to the House to press the Bill on. It could not possibly come on for discussion for another fortnight, at a time when nearly all the legal Members of the House would be absent, and when it was a farce to suppose it could be adequately considered. Under those circumstances, he would appeal to the Government to be content with the passing of the other legal measures which stood on the Paper, and to which there was little or no opposition, and to withdraw the Bill before the House for the present Session.

Mr. GOLDNEY said, he had for a long time been conversant with the transfer of land, and had looked into the Bill with the greatest care. The result, he regretted to have to add, was that he thought it would, as it stood, be practically unworkable; and more, that it would be hardly possible to put its provisions in a workable shape. Under the existing system the public had great security for the property which any one of

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them happened to possess, and before that system was destroyed the Government were, he contended, bound to show that the security which they were about to give was equal to that which it would replace. The Bill merely provided that after going to considerable expense and trouble a *prima facie* title was to be obtained—a title which it would be open to every one to attack. Now, its provisions were founded partly on the Act of Lord Westbury and partly on the Australian Acts; but the good portions of the latter Acts, which worked very successfully in Victoria because of the admirable system of registration, though not so well in the other Colonies, were, so far as he could see, omitted from it. The Bill did not fulfil the promise held out in the Preamble, that it would simplify title and facilitate transfer. In the method it proposed for the simplification of title, it really held out a great temptation to fraud. If the Australian system had been fairly adopted, then they would have had something like a workable scheme. This Bill, however, mixed up Lord Westbury's Act, which had been a failure, and certain provisions of the Australian Acts, and in truth reduced the whole thing to a muddle. There were some circumstances in which, it appeared to him, that it would be absolutely dangerous under the present Bill for a man to take out a certificate of registration. He contended that the proceedings would involve unnecessary publicity, and give persons opportunities of harassing the owners of property by discovering and taking advantage of defects of title. Hardships might arise from the circumstance that when once an application for registration was made, it would be out of the power of the applicant—no matter what reasons he might have—to withdraw it. In the Australian Colonies it often happened that the Registrar, or the examiner of titles, volunteered the suggestion to the applicant that it might be better for him to wait two or three years before registering. Even after the proprietor of an estate had gone through the troublesome ceremonies laid down by this Bill, he would still have under it only a *prima facie* and not an unimpeachable title. In fact, the provisions of the Bill, in the matter of securing and simplifying title to an estate, amounted to nothing. It ought not to be hurried through the House at the end of the Session. It

ought to be postponed till next Session, but in the case of bargain and sale it gave the purchaser either a clear and absolute title, or the man who registered himself on a less perfect title so that in the interval between now and next Session, the Members of the legal profession, who were a high-minded body, and at whose suggestion the legal reforms made during recent years had been proposed, should have a full opportunity of considering the subject, and of pointing out the difficulties and dangers which would arise if the Bill passed in its present shape.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, the first question was, was this Bill called for? It appeared to him that some such measure was not only called for but needed. English conveyancing and the system as regarded purchases and the expense accompanying either the borrowing of money on mortgage or the selling an estate, was much the same as the system which obtained in Ireland prior to the establishment of the Encumbered Estates Court and the Landed Estates Court. Lawyers, thinking it was necessary to guard against every conceivable contingency, often investigated titles in such a way as to lead to great expense, and it was extremely desirable that the cost of these transactions should be lessened. This could only be done by means of the system adopted in the Irish Landed Estates Court under which deeds were prepared bearing absolute finality and indefeasibility of title upon the face of them, or certificates were granted declaring the existence of a good title and imparting equal indefeasibility and finality. The principal objection urged against the Bill had rested upon the compulsory clause; but he failed to see any valid ground for objecting to a clause which would only affect vendors and purchasers, would tend to greater security of title, and would, therefore, increase the value of landed property. Why should not the purchaser have a document which would give him absolute finality? Estates in Ireland sold with a Parliamentary title brought one or two years' more purchase than they would if sold with an ordinary title, and that was because there was finality in the transaction. He believed that the compulsory clause would really raise the value if the estate came to be re-sold,

and thus be one of the greatest benefits that had ever been conferred on purchasers in England. It did not compel the large landowner to go and register, but in the case of bargain and sale it gave the purchaser either a clear and absolute title or the man who registered himself on a less perfect title, made an assertion before the world that he was the owner of the property which he had purchased, and by the mere lapse of time acquired a good title. He submitted to the House that when these solid advantages were given, they ought not to be thrown aside because it was possible that a more perfect system might be devised, which would not pass either the House of Commons or the other House of Parliament. He hoped the House would agree to the second reading.

Mr. LAW said, he thought the Bill would prove a substantial though not a very large reform of the law relating to real property, which at present imposed artificial and needless costs upon the owners of land. It had, indeed, been estimated that these costs were equivalent to a tax of 10 per cent on the value of their estates—a burthen which, of course, pressed most heavily on owners of small properties, and caused the land to be mainly held in large masses by rich men, whilst bankers and other dealers in money shrunk from making loans on landed property, owing to the state of the law, which impeded and delayed the realization of such securities. Now, without entering into the vexed question of small proprietorships of land, he should like to see all artificial restrictions removed and this and other cognate questions left to solve themselves. He objected in principle to needless obstructions, which answered no good purpose, and were a heavy tax on this species of property. If the transfer of land was very much cheapened, it might, perhaps, tend also towards the attainment of another object—namely, the better cultivation of the land in England. In 1871, Lord Derby, speaking at a public meeting, stated that the land of England did not produce one-half of what it might be made to produce if sufficient capital were invested in the soil, and an opinion to the same effect was subsequently expressed by Lord Leicester. That difficulty might, perhaps, be solved if tenant-farmers were enabled to buy

land, or, at all events, if the transfer of land was perfectly free, and things were allowed to find their level in whatever way the convenience and interest of the people might suggest. The present Bill appeared to be exceedingly well drawn, as might have been expected from the hands through which it had to pass. He likewise regarded it as a distinct advance, to extend, as proposed, the operation of the system of registration beyond absolute and marketable titles to titles limited to a certain date, and also to simply possessory titles. At the same time, looking to the very limited area of the field which registration of any kind covered, he thought the measure fell far short of what the public interest required. He could not see why, in the public interest, which, after all, was paramount on this question, the operation of the Bill and the very gentle compulsion it applied to make persons come upon the register should be confined merely to sales. Some years ago a Committee of that House, presided over by Mr. Pusey, brought out the remarkable fact, that the proportion of land under settlement in England and Wales was 70 per cent of all that fit for cultivation. This proportion had probably not decreased since then, and therefore nearly three-fourths of the land in this country was at once exempt from the operation of the Bill. Now, every well-drawn settlement gave powers of sale under proper conditions to the trustees; and why, he asked, should these trustees be precluded from going on the register as owners for the purpose of dealing with the land? Ample securities might easily be obtained against any fraudulent, or indiscreet exercise of such powers; and there was, he submitted, no reason why land in settlement, as well as land out of settlement, should not be put on the register in the names of persons, who, according to the arrangements of the parties themselves, had the power of selling. With regard to the provisions to compel registration, it seemed to him that they were not sufficiently stringent. There were various ways—as, for instance, by the vendor appointing a trustee, and thus divesting himself of the legal estate—in which it would be very easy to evade completely the operation of the clause with regard to compulsion. The provisions on this point of the Bill of last year were of a much more stringent

character. But further, whilst property under settlement—that was to say, nearly three-fourths of all the land of England—would be wholly exempt from the operation of the Act; and the futile compulsion provided for the remainder would apply only as it was being sold; it was still more disappointing to find that there were no provisions securing that even the small extent of land sold and then possibly placed upon the register should, if when so placed, remain there. By one of the later sections of the Bill a registered title would, on the owner's death—and that, at all events, was a pretty certain event—be legally devisable, transmissible and transferable just as if it had never been registered at all, so long as the new owner was not entered on the register. This, however, need never be done, and thus it was plain that the measure must largely fail to attain its object, even as to the inconsiderable number of titles within its operation. In order, too, that the Bill should work efficiently, it would, he thought, be necessary that some machinery should be provided similar to the Landed Estates Court, which had worked very satisfactorily in Ireland; and that had hitherto been the view of the present Lord Chancellor. He desired, now, to add that an efficient measure for registration of titles and transfer of land was greatly needed in Ireland, and it was to be hoped that Her Majesty's Government would, during the recess, consider this matter with the view of taking action upon it. The system at present in operation in that country had not been successful; for out of property to the value of £45,000,000 sterling, sold under the Landed Estates Court, and its predecessor the Encumbered Estates Court, only about £2,000,000 worth had been recorded under the Record of Titles Act. It should also be borne in mind that the provisions of the Irish Church Act and Land Act for facilitating the purchase by tenants of their holdings imperatively required to be thus supplemented. There would probably be, by the end of next year, some 6,000 or 7,000 small fee-simple properties thus created; to these the present system would be simply ruinous. To return, however, to the Bill now before the House, although he thought that it might with advantage go much further than it did, he hoped it would

now be read a second time, and that all parties would join in an effort to make it as good a measure as possible.

MR. STAVELEY HILL remarked that they all seemed to be pretty well agreed with the Preamble of the Bill, and the only question they had to discuss was that which they were now discussing. If the people of England were to believe that this was the first time they had had an opportunity of having land conveyed to them at a very small expense they would be much mistaken. There was nothing new at all, for it had been possible to transfer land by the simplest words since and before the passing of the Statute of Frauds. Being at Oxford the other day he went to the Bodleian Library, and the very courteous librarian showed him a conveyance of the time of Henry I., conveying to the nuns of Littlemore to hold for ever on condition of their praying for the souls of himself, his father, mother, and blood relations. The conveyance was signed by five witnesses, and the whole was contained in three lines. Any measure that would facilitate the transfer of land, and would popularize the holding of land, would be a great benefit to the public. The present Bill aimed at giving a certified title and proprietorship. The register of proprietorship was a thing which they must look to. If we had had that some time ago, our titles would have been in a very different condition from what they were in now. For facilitating the transfer of land and simplifying the title only two things were required—one was to register the proprietorship, and the other to endorse the register and the encumbrances. There was no necessity for anything further, so long as there was a strong compulsory clause which would give authority only to registered proprietorships. Did this Bill do that? He submitted that it did not. Reference had been made to eminent lawyers from whose hands the Bill had come, but when Vice Chancellor Hall was included among them it should be borne in mind that since he had considered the measure many strange alterations had been made in it; and the exemption of properties under £300 was an admission that its operation would be attended by great expense and delay. Much had been said about the care and accuracy with which it had

been drawn, and upon that point he would remark that he had felt it necessary to give Notice of between 40 and 50 Amendments. He thought there would be little delay caused if the measure were to stand over for more careful consideration, and he was convinced it would make it a Bill more worthy of the noble and learned Lord from whom it came, and of hon. Members who sat on the Ministerial side of the House.

SIR GEORGE BOWYER was of opinion that a registration of title such as was contemplated by the Bill could not be carried out in this country; and that if it were possible, it would be, to a great extent, useless. Before a title could be registered it should be shown to be indefeasible, and in how many cases could that be the case considering the number of complicated interests and incumbrances which existed in respect of most landed estates? The right hon. and learned Gentleman (Mr. Law) had suggested that there should be a Judge appointed for the management of all landed estates in England, because the Encumbered Estates Court in Ireland had worked well. But the circumstances of the two countries were so different that if anything of the kind were attempted a strong cry would next be raised of Home Rule for England. In his opinion, this measure would not improve the position of either the purchaser or the vendor of real estate, because there would still have to be an investigation into the title even if it were registered, inasmuch as it rarely happened that a freeholder ever had complete control over his land, which was usually more or less encumbered. The best thing would be to have a registration of deeds as was the case in all other countries in Europe. Deeds might be printed in the register-book, and printed copies of them, duly stamped, might be given to the owners of the property. If a man had a good title he would be satisfied with it without going to the expense of registering it, and if he had a middling or a mere holding title he would not register it in order to give every one an opportunity of finding out blots in it. He further objected to maps being required to be made of each property that was to be registered; and, in conclusion, he advised Her Majesty's Government not to go on with this Bill, but to re-consider

the subject and bring in a good sound measure for the registration of deeds next Session.

SIR JOHN KARSLAKE said, he thought that the idea of the registration of deeds had been exploded more than 40 years ago. Our chief conveyancing difficulties arose from the nature of our real property tenure, and if we were to begin again, without doubt, we should adopt some system for the registration of titles, and not encumber ourselves with these complicated deeds which the hon. and learned Baronet opposite (Sir George Bowyer) proposed to perpetuate by having them printed on the register-book. The hon. and learned Baronet had urged as an objection against the registration of titles that some one might be tempted to pick holes in them; but surely the best way to induce persons to take such a course would be to register the deeds on which they depended. The expense of registering such deeds would be very heavy. The great vice of the present system was that they had deeds which recited former deeds, which again recited former deeds; and he did not know if all the sheepskin which came into the market would be able to supply the parchment which would, in time, be required for the enormous recitals of these deeds. For many years efforts had been made to get some briefer mode of conveying property, and the tendency had been to recommend the registration of titles, and not the registration of deeds. In 1857 the present Lord Chancellor brought forward a Bill by which he proposed the registration of titles. In 1862 a Bill was introduced by the late Lord Westbury, and passed into law, under which a system of registration was created which proved to be an utter and complete failure. That failure arose from two causes; first, nothing but marketable titles could be registered; and secondly, that the man who wished to register his title was obliged to inform all his neighbours what he was about to do—to proclaim it in the market-place by a process of hornring which prevailed in Scotland, and to challenge any of them to say that any of the property did not belong to him, thus exposing himself to a shower of lawsuits. The consequence was that no man in his senses went to the Registrar. What was proposed by this Bill? Pre-

Mr. Staveley Hill

cisely what had been proposed by the Commission of 1870 who sat to inquire into the causes of the failure of the Act of 1862 and pointed out what, in their opinion, would be the proper remedies. They recommended, among other things, that there should be a registration of possessory titles or proprietary rights. Many holding titles were not marketable titles, but the effect of registering proprietary titles at a small expense would by this Bill be that a man putting his title on the register and going back, say, five or ten years, might say from that moment he had registered his title, and in process of time he would find that, without the assistance of a single deed, without anything but the registration of a proprietary title, every day would improve it, and in a certain number of years he would have a perfect title, and might burn his title deeds, so far as security was concerned. On the face of this Bill there was a most valuable provision in the interest of vendors and purchasers of land, a provision which conveyancers, perhaps, might not like to see, but which he was delighted to see—the doctrine of actual and constructive notice was by this Bill swept away. In one point he regarded the Bill as more or less experimental, because, knowing as he did that for 40 years past, at least, the wisest of the lawyers had been trying to make a perfect system of registration, they certainly had not up to the present moment succeeded. He did not say that the present Bill would provide for every emergency which might arise; but it was a step in the right direction. Power might hereafter be taken, in the event of the London Registry proving insufficient, to extend it to the country. If it were felt necessary to do so, and such a step were taken, a great part of the objection which now existed to compulsory registration, such as it was, would at once be got rid of. Another question was, whether it should be made compulsory? It was said that this Bill was at fault because it was compulsory. He agreed with his hon. Friend the Member for Cambridge (Mr. Alfred Marten) that the compulsion in this case was of the mildest description. What was the compulsion? It was this—that after a certain period, if a person did not choose to put his title on the register, the title which he conferred would be simply and solely an equitable title.

That was the whole amount of compulsion proposed in the Bill, and although it might very properly be considered in Committee, he did not think his noble and learned Friend (the Lord Chancellor) could fairly be twitted upon that score. He saw in this Bill advantages which had certainly been pointed out for more than 40 years; he saw that the Act of 1862 had been practically a dead letter; he saw that, since that Act had failed, the general outline suggested by the Commission of 1870 was carried out by the clauses of this Bill; and he could not help thinking that, if it became law, a great step would be taken towards that which had been desired for many years, and that it would increase to a considerable extent the value of land in this country. He trusted therefore it would pass during the present Session.

SIR HENRY JAMES noticed that throughout the whole course of the debate on the Bill no person save those who were Members of the legal profession ventured to express an opinion on the subject. He was certain that the House would have been pleased to hear the opinion of some hon. Gentleman who was not connected with the legal profession. Why was it that during the six hours the debate had lasted not one landed proprietor not connected with the legal profession had attempted to offer an opinion on the subject? It was not to be supposed that the landed proprietors who were Members of the House took no interest in the question of the transfer of land. Why, then, did they not display that interest by an expression of their views? He believed that the reason why they had not done so was that the details of the measure were so complicated that they could not master them fully, and that they could not, therefore, trust themselves to take part in a preliminary discussion respecting it. The Bill, he believed, would sadly disappoint the hopes of many who anticipated that it would simplify the title and facilitate the transfer of land. While it ought to be read a second time, and while severe criticism at the present stage ought not to be applied to its details, it would disappoint those who expected much from it. He should offer no captious opposition to the Bill. It might be said that vested interests, in a professional point of view, would create a difficulty

in the passing of the Bill. He would rather discourage than encourage such opposition. They had not to look to vested interests that did not favour simplifying the transfer of land, but rather to the interests of those who held land, with the view of simplifying the title and facilitating its transfer. Putting aside all captious objections, and dealing with general matters rather than with details, he asked what they had hoped this Bill would perform connected with the conveyance of landed property, and what was the effect of the Bill? He feared that this Bill would do nothing in the present to simplify the transfer of land, and it was doubtful whether it would do anything in the future. Some persons objected to the Bill because it had compulsory powers, and there were others who objected to it because it was not more compulsory. What would be the effect of the voluntary powers given under this Bill? He thought it would very likely meet with the same fate as Lord Westbury's Bill of 1867. That Bill gave not only an indefeasible title, but settled the boundaries of the owner's estate, yet, because it was only a voluntary registration, the Act of 1862 had been virtually a dead letter. The present Bill, by the 35th clause, placed an owner in a better position than he was at present, but only to a certain limited extent. Whether an owner registered under this Bill or not, he obtained, after 20 years, a possessory title, and after 60 years an indefeasible title. The only advantage of this Bill was that registration marked the point of time for which the Statute of Limitations ran, and made it start from a certain instead of a doubtful time. An owner would, however, be unwilling to make it patent to the world that he required a good marketable title. The compulsory portion of the Bill was good, yet it was threatened with the opposition of those who disliked compulsory registration. He earnestly hoped his right hon. and learned Friend the Attorney General, if he had to go through the arduous task of passing the Bill through Committee, would not consent to giving up this part of the measure, and he also hoped that estates under £300 would be included in these compulsory provisions. In his opinion, no class of estates stood more in need of registration and a means of cheap transfer. Such a Bill

Sir Henry James

as the present ought to have an influence upon the land rather than the holders; but the blot of this measure was that it gave a benefit to the individual, and was not an adequate record of the land. He was afraid the Bill had come before them too late to be made so useful as might be desired, and he could almost hope that it might not be passed this Session, with the design that when the question came to be treated hereafter, it should be dealt with comprehensively.

COLONEL CORBETT responded to the challenge which had been made to the landed proprietors to take part in the debate, and said he believed they always trusted to the honourable conduct of the solicitors of this country. He had not taken part in the debate because he did not profess to understand the subject as he was not a lawyer, and, for himself, the only pecuniary privilege he derived from sitting in the House was that by listening to a debate like this he could get a legal opinion without paying for it. He did not think landed proprietors had clamoured for this Bill, or cared much about it one way or another; but, for himself, he should be glad to see a recurrence to small deeds. He feared that in this country we should never see land transferred in a simple and cheap manner. Those who clamoured most for cheap land were probably those who had no land and did not care about it, and he doubted whether they would gain anything from the change. It was a mistake to say that there was no land for sale, because plenty of it was advertised for sale every day; and, indeed, he believed that the great difficulty in obtaining land consisted in finding the money to pay for it.

MR. RATHBONE said, he believed the question had a wider significance than the legal one, and that no measure would produce a greater effect in the direction of true conservatism and reform than a measure to simplify and cheapen the transfer of small properties, which would encourage thrift and independence among working men by encouraging them to become the proprietors of their own houses. This it would not be safe for many to do until it was cheap to buy, sell, and pawn houses, because the fluctuations of trade rendered it imprudent for them to invest their saving in a form which could not be easily real-

ized. He regretted the Government had consented to the withdrawal of the compulsory clauses, because they really formed the best parts of the Bill. The desire to acquire land and to possess houses of their own was as strong among the poorer classes as among the rich, and there was a practice which very largely prevailed of persons giving up their houses which they rented at the end of a very few years in order that they might get into other houses newly fitted up. That was a most wasteful practice, which ought to be discouraged. Desiring a complete measure for the cheap transfer of land, he would advise the Government, possessing as it did the confidence of the landed interest, to wait until they could pass such a measure, which he was assured by leading solicitors need occasion them no concern, for confidence would still be reposed in them, however simple transfer was made, while the facility of transactions would inevitably increase the number of them.

SIR WILLIAM HARCOURT said, he had desired too long an amendment of the system of land in this country, to offer any opposition to a Bill which professed to amend that system, which was in a state about as disgraceful as it was possible to conceive. It had been stated that night that the transfer of land added about 10 per cent to the price of land. If the country gentlemen would pay the same percentage to the Chancellor of the Exchequer in the form of succession duty, our Budget might be very much amended. Although the House was full of Gentlemen possessing property, there were few of them who knew what title they had to it; and if they consulted any experienced conveyancer, he would tell them that most of them had no title at all. He said that for this reason—that at every auction of land there were conditions of sale of this character—the person selling made it a condition of sale that the purchaser should take a bad title—that was to say, a title less than a good one. He ventured to say that that was an absurd state for the land of a country like England to be placed in. He had always held the opinion that there would never be any real simplification in the system of the transfer of land until they began by simplifying the tenure and title, and that the mere attempt to simplify registration was of no use. This Bill did not touch

the root of the evil, which lay in the complication of the tenure of land, and in the multitude of estates carved out of the land. Whatever was the system of registration established, it would always be a complicated system, and as long as there was a complicated tenure, no system which might be adopted would give that simplicity of transfer in land which was desired. He agreed with the Attorney General for Ireland that the proper criticism upon this Bill was that it did not go half far enough. He also agreed very much with the present and the late Attorney General for Ireland that if we could have a little of that justice to England which was sometimes demanded for Ireland, and have the benefit of the Encumbered Estates Courts in this country, it would be a good thing for this country. Having regard to what the Bill professed to do, he was afraid it would cause great disappointment to those who desired simplification in the transfer of land. If that was so, it would add to the many failures we had had on the subject, among which the Act of Lord Westbury was the most signal. He agreed also with his hon. and learned Friend the Member for Taunton (Sir H. James), and his right hon. and learned Friend sitting near him (Mr. Law), that the fault of this Bill was not that it was too compulsory, but that it was not half compulsory enough. They were applying compulsory registration, because they thought registration a good thing, because they thought it was an advantage. If registration was an advantage to the general public, what was the meaning of a system of registration which, as his right hon. and learned Friend the Member for Londonderry (Mr. Law) had pointed out, would omit at least three-fourths of the land of England? If registration was a good thing, why was it not to apply to the large class of land which was held in settlement, and to that held in mortmain? But, above all, why in the name of all that was wonderful was it not to apply to estates under £300? The introduction of that exception was the most extraordinary thing in the history of the Bill, and was introduced at the last moment upon the third reading of the Bill in the House of Lords. If there was any class of property to which the benefit of registration ought to be extended, it was to the small

estates. If the Government had proposed this Bill—as they ought to have done—with a proper district register, there would not have been an outcry against it. A man who bought a field of five or six acres, for which he gave £300, was under the same conditions with respect to the difficulties of title as a man who bought an estate of 4,000 or 5,000 acres, and no one could tell what it would cost him to complete his purchase. The Government should take time to consider the Bill, and produce one which would deal more effectually with the evil. He feared that the Bill, instead of settling the question, was only a pretext for not doing thoroughly that which had been so long waited for; and he believed that if the Government would take a little more time to consider the matter, they would find themselves largely supported by public opinion, in making it a much more effectual and extensive measure. Sooner or later they would have to deal with it in a far more extensive manner than the present Bill contemplated.

MR. WHITWELL could not concur in the wish that this measure should be postponed. It was the outcome of much thought and grave consideration; and although it might not be all that they desired, it was, at any rate, an attempt to deal with a very important question, and the community at large, having had the measure announced for many months, would be extremely disappointed if the House did not attempt to make it a useful one. Whatever alterations might be required in the Bill could be made in Committee. He joined in the regret expressed, that properties under £300 had been struck out of the Bill; but believing that the measure would be the beginning of a series of enactments which would afford the working man an opportunity of investing his savings with security at a fair rate of interest, he gave his support to the Motion that the Bill be read a second time.

MR. SERJEANT SHERLOCK regarded the Bill as a proposition to simplify the Law of Real Property, and one which, if carried out in all its details, would confer material benefit on landed proprietors. The registration of deeds was universal in Ireland, but was confined in England to the counties of York and Middlesex; but registration of titles was at present untried in this country. With

regard to the exclusion of small properties under £300 in value from the operation of the Act, he pointed out that in the present complicated state of our law such exclusion was a necessity.

THE ATTORNEY GENERAL, in reply, remarked, that in moving that the Bill be read a second time, he had invited criticism, and that his invitation had been very largely responded to. Much, however, that had fallen from hon. Members was worthy of the careful consideration of the Government, and should receive that consideration when the Bill got into Committee. He was desirous, however, of removing one misapprehension. Several hon. Members appeared to think that properties under £300 would be excluded from the operation of the Act. This was not so; they were only exempted from the compulsory provisions, and, so far as the advantages of registration were concerned, they would be quite available in the cases of these small properties.

SIR FRANCIS GOLDSMID, being satisfied with the discussion which had taken place, said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Thursday 16th July*.

REAL PROPERTY (VENDORS AND PURCHASERS) BILL.

On Motion of Mr. ATTORNEY GENERAL, this Bill was read a second time.

REAL PROPERTY (LIMITATION) BILL.

On Motion of Mr. ATTORNEY GENERAL, this Bill was read a second time, and, together with the preceding Bill, was *committed for Thursday week*.

SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT BILL. [Lords.] (Mr. Attorney-General.)

[BILL 179.] SECOND READING.

Order for Second Reading read.

MR. ATTORNEY GENERAL, in moving that the Bill be now read a second time, said, that the Rules framed under the Judicature Act of last Session had now, after long preparation, been considered finally by the whole body of the Judges, but they could not be promulgated until this Bill, which was merely

Sir William Harcourt

a Supplementary Bill to that of last year, was passed. The Bill would extend the jurisdiction of the appellate power of the Imperial Court of Appeal to Scotland and Ireland, as well as to England. Another main object of the Bill was to provide, in certain specified cases, for a second appeal. With a view to make the Court of Appeal as important as possible, it was proposed that it should be divided into two or more Divisions; that the first Division should be composed of a larger number of members, and that five at least should sit to hear appeals, so as to give greater weight and authority to their decisions. That Division was to consist of three *ex officio* Judges — namely, the Lord Chancellor, and two other *ex officio* Judges, who were to be alternately, every two years, the Lord Chief Justice of England and the Master of the Rolls in England, and the Lord Chief Justice of the Common Pleas in England and the Chief Baron of the Exchequer in England; and also of certain other Judges, to be selected from the additional and ordinary Judges of the Imperial Court of Appeal. He hoped the Bill would be read a second time.

Motion made and Question proposed, "That the Bill be now read a second time."—(*The Attorney General.*)

SIR GEORGE BOWYER said, he would not move that the Bill be read a second time this day three months on the understanding that an opportunity of discussing the measure would be given on going into Committee.

Motion agreed to.

Bill read a second time, and committed for Friday, at Two of the clock.

COURT OF JUDICATURE (IRELAND)

BILL—[BILL 168.]

(*Mr. Attorney General for Ireland.*)

[*Lords.*] SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL), in moving that the Bill be now read a second time, said, that it had precisely the same object as the English Bill on the same subject. It would be quite impossible to have the law different in England and Ireland. If it was right that in England one tribunal should decide every portion of

a case, whether involving legal or equitable questions, it was quite plain that the improvement should be extended to Ireland. There were, however, certain differences in the nature of the tribunals of the two countries. For instance, in Ireland there was a Court totally unknown in England, the Landed Estates Court; and the business of the Irish Court of Bankruptcy was administered, not, as in England, chiefly by the Registrars, but by the Judge of the Court, to the great satisfaction of the mercantile community. While in England, too, the Court of Admiralty had a very large business, in Ireland it had scarcely any business. These differences in circumstances necessitated differences in the provisions of the Irish Bill in some respects from those of the English. With regard to the Admiralty Court, the Government came to the conclusion that they would not be justified in keeping it up as a separate Court at an expense of upwards of £3,000 a-year, taking into account all the officials. In dealing with the three Law Courts, the Government had decided that it was not necessary to retain as many as 12 Common Law Judges if they were only to discharge the duties devolving upon them by reason of their office. It was proposed that, after diminishing the number of Common Law Judges by adding in their stead a Probate and Bankruptcy Judge, the number of Judges should ultimately be 16, and complaints were made, on the one hand, that they would be too few, and on the other, that they would be too many. The Judges, he thought, would be fully employed, and perhaps the judicial strength might be economized by having motions heard by two instead of four Judges. The power of dealing with the circuits would be left with the Lord Lieutenant, assisted by the Council of Judges. Some critics of the Bill seemed to overlook the fact that under the Bill every Judge would be a Judge both of law and equity, and that all future Judges might be sent on circuit. It was proposed to raise the salaries of the Judges from £4,000 Irish to £4,000 British money, which appeared to be a fair equivalent for £5,000 a-year paid to English Judges. In England there was no Intermediate Court of Appeal; but a Bill had been introduced to give the power of re-hearing; and it would be impos-

sible to work the judicial system of Ireland without a second appeal. The cases were not of a magnitude to bear the expense of being brought at once to England, and to deny a re-hearing in Ireland would make a Court of First Instance absolute. Accordingly, the Bill would create an Intermediate Court, with special Judges—the Lord Chancellor, the present Lord Justice of Appeal, and a Lord Justice to be appointed, and, in addition, the three Chiefs of the Queen's Bench, Common Pleas, and Exchequer would be *ex officio* members of the Appellate Tribunal. By the intervention of this Court many cases would be settled without incurring the expense of bringing them to England. Criminal appeals were proposed to be sent to this Court. It might be objected that the Lord Chancellor, being a political officer, should not have jurisdiction in criminal cases; but the English Lord Chancellor was to a still greater degree a political officer, and had taken part in the trial of political cases, as in the cases of O'Connell and Smith O'Brien, and he did not see any valid objection to the Irish Lord Chancellor taking part in the trial of ordinary criminal cases. If, however, the legal Members from Ireland preferred it, this appeal would be left with the Judges of the Common Law divisions; and generally he desired to say that he was not so wedded to particular provisions of the Bill as to refuse to consider any suggestions that might be made, but matters of detail could be best dealt with in Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Attorney General for Ireland.*)

Mr. LAW, after observing that he was glad to find the language of the English Judicature Act had been scrupulously adhered to in this Bill, said, that if the Irish Law Officers of the late Government had had to deal with the subject, they would have begun by providing for the absorption of the Judges, and Courts of modern creation. They would have retained the 12 Common Law Judges as these would now be ultimately retained; but they would not have first removed two of them and left their places to be supplied after an uncertain interval by the outlying Judges.

The Attorney General for Ireland

He thought some inconvenience might arise in this respect. For example, when the last Bankruptcy Judge was transferred to the Court of Exchequer, how was bankruptcy business to be done during his absence on circuit? It appeared to him, also, that under the proposed arrangements the Chancery division would be unequal to its work; whilst to make one of the Lords Justices of Appeal available for the hearing of causes in a Court of First Instance was undesirable, and was, in fact, open to the objections taken by the present Lord Chancellor to the old Court of Exchequer Chamber. It seemed to him that the Court of Bankruptcy and the Probate Court ought to be annexed to the Chancery division. The most important feature, however, of the Bill was the constitution of the Court of Appeal. This, it was admitted on all hands, should be as strong a Court as possible. But though, by the English Act, the Master of the Rolls was an *ex officio* member of the Supreme Court of Appeal, it appeared that the Irish Master of the Rolls was not to be a member of the Irish Appellate tribunal. Now, he saw no reason why the Master of the Rolls should be left out in the composition of this Court, in which he might advantageously sit as an *ex officio* Judge; and it should be remembered that in point of precedence he ranked next after the Lord Chief Justice. So with respect to Crown cases reserved, he could discover no sufficient ground for departing from the precedent made by the English Act, and providing that these criminal cases should be disposed of, the Court of Appeal presided over by the Chancellor. Many other matters of detail seemed to him to require further consideration, but of course there was no opposition to the second reading of the Bill, which all were glad to see at last.

SIR COLMAN O'LOGHLEN regretted that the Bill, which had been put forward as a chief measure of the Session, had been brought forward at so late a period of the Session, when it was most inconvenient for Irish Members to remain in London. The main feature of the Bill was the reduction of the number of Irish Judges. This he considered as an uncalled-for step, considering the magnitude and importance of the business they had to transact, and he especially regretted that the reduction was

to be in the number of Common Law Judges, who were the Judges that brought justice home to the people. Considering jurisdiction of the Common Pleas in election cases, the removal of a Judge from that Court was particularly unfortunate. As to the proposed Court of Appeal, it should be small and made up of permanent Judges. He thought the Court of Appeal ought also to be the Court of Criminal Appeal. He hoped the Bill would come out of Committee a better measure than it now was.

THE O'CONOR DON rose simply to refer to the Landed Estates Courts in Ireland, in which the Judge who presided had the most important duties to perform as regarded landed property. That position ought to be held by a man of the greatest eminence, and ought not to be selected from men of an inferior position at the Bar, and be paid a lower salary than the other Irish Judges.

MR. MELDON said, it was the unanimous feeling of the Bar that one Judge was not sufficient for the work of the Landed Estates Court. He objected at the same time to the proposal to have only one Judge for the Court of Bankruptcy in Ireland instead of two as at present.

MR. M'CARTHY DOWNING complained that a Bill of this importance should be discussed at that late hour of the morning. With respect to the Landed Estates Court, the Judge no doubt discharged his duties properly; but he found by a Return that no less than 1,732 cases were undisposed of in 1873, and 108 questions of abstract titles. That was a formidable arrear, and yet this Bill proposed to impose other duties upon him in addition.

MR. D. PLUNKET said, he believed it was the unanimous opinion of the Judges, of the Bar, of attorneys and solicitors, and of the outside public in Ireland, that one Judge was not sufficient for the Landed Estates Court.

MR. MACARTNEY, on behalf of the landed proprietors of Ireland, protested against the changes proposed by this Bill, and hoped the Government would re-consider the whole question.

Motion agreed to.

Bill read a second time, and committed for Tuesday next.

NEW MINT BUILDINGS SITE BILL.

(*Lord Henry Lennox, Mr. Chancellor of the Exchequer.*)

[BILL 162.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Chancellor of the Exchequer.*)

MR. SAMUDA said, he hoped the Government would not proceed with the second reading of the Bill, as it was one of a highly objectionable character.

THE CHANCELLOR OF THE EXCHEQUER believed the hon. Gentleman was not quite correctly informed as to the object of the Bill. The question had been very carefully considered by the authorities of the Mint, and this Bill was approved by them. If it were read a second time he should move to have it referred to a Select Committee.

MR. ANDERSON said, that at that late hour they could not properly discuss the Bill, and he should therefore move that the debate be adjourned.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Anderson.*)

The House divided:—Ayes 17; Noes 41: Majority 24.

Original Question put, and agreed to.

Bill read a second time, and committed to a Select Committee.

House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Wednesday, 8th July, 1874.

MINUTES.]—SELECT COMMITTEE—*Report*—Boroughs (Auditors and Assessors) [No. 271].
PUBLIC BILLS—*Ordered*—*First Reading*—Mersey Channel * [199]; International Copyright * [197].
Second Reading—Legal Practitioners [24].
Committee—Pier and Harbour Orders Confirmation * [169], discharged; Infants Contracts * [164]—*R.P.*
Committee—*Report*—Land Drainage Provisional Order * [170]; Local Government Board's Provisional Orders Confirmation (No. 3) * [172].

Report—Municipal Elections * [84-198].

Withdrawn—Church Rates Abolition (Scotland) * [26]; Criminal Law Amendment Act (1871) Repeal * [41].

LEGAL PRACTITIONERS BILL.

(*Mr. Charley, Mr. Charles Lewis.*)

[BILL 24.] SECOND READING.

Order for Second Reading read.

MR. CHARLEY, in moving that the Bill be now read the second time, said: This may be regarded as a very unpretending measure of social and, at the same time, of legal reform; of social reform because it protects the public against unqualified persons assuming to act as legal practitioners; of legal reform, because it supplements the inadequate provisions of the existing law for checking the raids of legal quacks on the legal profession. On what principle, I would ask, is the medical quack restrained from preying upon the public and upon the medical profession, while the legal quack is allowed without any restraint at all to prey upon the public and the legal profession? The first portion of the 2nd clause of the Bill assimilates the law for the conviction of unqualified legal practitioners to the law which has now been for 16 years in salutary operation for the conviction of medical quacks; and the latter portion of the clause provides a simple means of enforcing in a mitigated form the existing law for the protection of the public against unqualified legal practitioners. The 3rd clause of the Bill provides a simple remedy for enforcing, in a mitigated form, the existing law for the protection of the public and the legal profession against unqualified and unskilled conveyancers; and the last clause—which, I may observe, is not essential to the Bill, but which, I think, is a useful clause—has for its object the protection of persons in distressed circumstances from being induced to enter into bills of sale, enabling money-lenders to break into their premises and carry off their furniture, without their fully understanding the force and effect of those dangerous documents. It may be asked—"Why does not the Council of the Incorporated Law Society proceed against those persons? The Council of the Incorporated Law Society offer their justification in their Report for the year 1871-2 in these terms—

"It does not seem to be generally understood that, unless it can be proved that proceedings have actually been taken by unqualified persons in some Court, the Society has no power to interfere under the Attorneys and Solicitors Acts."

The 26th section of the Attorneys and Solicitors Act, 1860, would seem in its opening words to include the case of unqualified persons acting as attorneys or solicitors generally, and not merely in connection with some particular Court. The words of the section are—

"Every person who acts as an attorney or solicitor contrary to the enactment in sect. 2 of the first hereinbefore mentioned Act,"

(the Attorneys and Solicitors Act of 1843); and if we turn to that Act, and refer to the section alluded to, we find these words—

"No person shall act as an attorney or solicitor, or as such attorney or solicitor sue out any writ or process, or commence, carry on, solicit, or defend, any action, suit, or other proceeding."

So that under these words "acting as an attorney or solicitor," although not in any Court, would be an offence; but, unfortunately, the concluding words of the 26th section of the Act of 1860 are these—

"Shall be deemed guilty of a contempt of the Court in which the action, suit, cause, matter, or proceeding in which he so acts is brought, had, or taken, and may be punished accordingly."

Therefore, the clause is evidently confined to the case of an attorney or solicitor acting in some Court. If reference be made to the language used in the sections of the Act of 1843, imposing penalties, it will be seen that the remedy there given is confined also to acting as an attorney or solicitor in some Court. The 2nd clause of the present Bill is so framed as to include any person acting as an attorney or solicitor generally, and not merely in some Court. Is it necessary, Sir, for me to defend or justify such a provision as this? Surely, the worst part of the trade of these unqualified persons is carried on out of Court, and before any proceedings are commenced? They know very well that persons who owe money are usually very timorous persons, who think that the policeman or the bailiff is lurking around their residence, or that by the next post they will receive an attorney's letter. The House will readily understand the tremendous influence that may

be acquired over such persons by these sham attorneys, after they have once got them into their toils, have lured them into a correspondence, or frightened them into an interview. The application of the thumb screw in the Tower must have been mild as compared with the influence which such acquire over unhappy debtors. In illustration of the proceedings of these persons, the hon. and learned Member read a circular from a society calling itself "Prosecution Society for Fraudulent Debtors," threatening not only proceedings but punishment against a person alleged to be indebted to a member of the society, and also read from *The Law Journal* the following comments on a society of this nature—

"This debt-collecting establishment issues various notices. No. 1 is a request for payment in full, or by instalment; otherwise action. No. 2 is an 'arrear' notice for payment of an overdue instalment, under threat of immediate steps being taken to recover the entire debt. No. 3 is headed 'final notice, collecting department,' and threatens that unless the debt is immediately paid it will be passed over into the legal department. Last comes the notice headed 'legal department,' which intimates that on a day named the necessary steps will be taken for obtaining a warrant of execution against the goods and chattels of the debtor; and failing that a warrant of imprisonment for contempt of Court."

"Perhaps the most peculiar feature in this class of business," says *The Law Journal*, "is the presumption of ignorance among debtors. Otherwise how can we understand the repeated demands of fees and charges for issuing the several notices, not one of which could be recovered by process of law?"

I have several of those notices that have been issued by these persons, here. One of them was served on a poor widow. She had been constantly pestered with certain papers demanding payment of a debt, which it is stated she agreed to repay by instalments, but she never agreed to pay any debt at all. These notices were doubtless issued in order to frighten her into payment of the amount claimed. It reads thus—

"It having become evident from your silence that extreme measures will be required to recover the debt against you at these offices, we have to intimate that on Tuesday next (unless a settlement be previously sent here), the necessary steps will proceed towards obtaining a warrant of execution against your goods and chattels, which failing, a warrant of imprisonment for contempt of Court will be applied for, the expense of all which will fall on you to pay. We are, your obedient servants, &c.,
 ————— Accountants."

There is almost invariably at the foot of these documents some such notice as this—"Sevenpence is added to the amount due, being the expense of this notice," the fact being that the amount is not, of course, recoverable from the debtor. Sir, I desire to speak with the greatest respect of accountants. Many of them are men of the most distinguished positions in the mercantile world, to which their services are essential; but I do say that there ought to be some restriction placed on the facilities with which persons become accountants. If a man fails in keeping his own accounts he sends you a circular, stating that he has set up as an accountant, and offering to keep your accounts. Clerks, who have been dismissed from Government Departments under anything but satisfactory circumstances, set up as accountants, writing "Smith and Co., accountants," after their names, and flooding their neighbours with circulars offering to look after their accounts. The transition from the chrysalis state of a Government clerk to the fully-developed accountant seems to be instantaneous. Here is a case which was heard in the Southwark County Court before Mr. Whitmore, Q.C., on the 19th November, 1872—

"Action by the plaintiff to recover the balance of moneys received by the defendants on his behalf. The defendants carried on business as 'legal agents throughout the Kingdom,' being styled 'The Mercantile Accountancy Offices,' their receipts and certificates bearing the Royal and City Arms. Someone called on plaintiff and induced him to become a member at 25s. per annum. Having arrears of rent owing him in the North of England, the plaintiff put the matter in the society's hands. The money owing to the plaintiff was distrained for, and paid to the defendants. The plaintiff had to travel from London to Pontefract to defend an action for illegal distress; he could not get the balance due to him by the defendants out of the society's hands, so he brought the action. It turned out that the society consisted of only two individuals, who acted as secretaries, managers, and committee."—[*The Law Times*, 14th Dec. 1872.]

Now, to show how these gentry insinuate themselves into the good graces of unfortunate persons who are in impecunious circumstances, I will read the following circular—

"(Private and Confidential)
 "Mr."—(I will not give his name)—"in forwarding this circular, does not presume to infer that his services, or other of a like profession (*sic*) are required: but having observed that a judgment is registered against you, and as such

things are very frequently the introduction and forerunner of bankruptcy, and in many cases the destruction of homes, he simply suggests that if it should happen that the recipient be pecuniarily involved, or pressed by creditors, or having process of any kind issued against him, he will do well to favour Mr. — with a personal interview."

That is a case which refers to a registered judgment. Here is one in reference to registered bills of sale—

"Madam,—Having noticed your bill of sale in the registered list, I take the freedom to state that should it at any time lead to your embarrassment, I shall be happy to place my services at your disposal.—Yours obediently,"

I could not find the name of this gentleman in the commercial portion of *The Post Office Directory*, but I found it in *The Court Circular*, because he had no occupation. A case was tried in the Huddersfield County Court before Mr. Serjeant Atkinson. It is the case of *Clement v. Hall*. This was an action brought by the plaintiff, a surgeon, for professional services rendered to the defendant. Mr. Barker, who appeared for the defendant, said his client had received a notice from an accountant. He thought no professional man could advise his client to act on it. His Honour said—

"That is a clear violation of the 6 & 7 *Vict.* c. 73, s. 2. The clause is prohibitory, and renders a person who acts as an attorney subject to an indictment. Although people seem not to understand it, an attorney is subject to the supervision of the Superior Courts for all his acts; he is an officer of those Courts; his education is expensive; he has a position to maintain, and his character for probity is everything to him. If accountants or agents presume to act as attorneys, there is no supervision or control exercised over their actions, and the public are entirely at their mercy."

Now, Sir, the language of the provisions of the Attorneys and Solicitors Act of 1843 is much milder in dealing with the question of unqualified persons acting as attorneys and solicitors than that of the Acts which that Act repealed. There are three important Acts which it repeals. One was passed in the year 1729, one in the year 1739, and one in the year 1749. By the Act passed in the year 1729, it is provided that a penalty of £50—and here I need hardly point out to the House that £50 represented 150 years ago a much greater sum than it does now—was imposed on any unqualified person assuming to act

as an attorney or solicitor; and I would particularly call the attention of the hon. and learned Gentlemen on the Treasury Bench (the Attorney General and the Solicitor General) to the fact that the penalty was recoverable by any person without leave of the Law Officer or the Law Society in any of the Superior Courts at Westminster, or in any Court of quarter session, within whose jurisdiction the offence had been committed. The Act of 1739 contains similar provisions with respect to unqualified persons acting as attorneys or solicitors in the County Courts, and the Act of 1749 contains like provisions with respect to unqualified persons acting as attorneys or solicitors in Courts of quarter session. There were no restrictions in any of these cases on the right of the public to sue. The Act of 1843 provided that the unqualified person shall be liable to be committed for contempt of Court. This provision was borrowed from the Act of 1749; but, while the Act of 1843 repealed the Acts of 1749, 1739, and 1729, it did not re-enact the pecuniary penalties which those Acts imposed. An attempt was made to remedy this omission by the Attorneys and Solicitors Act of 1860; but the unqualified person is so fenced in by securities in the 26th section that, in the hands of the Council of the Incorporated Law Society, it has been like the rusty old sword of excommunication in the hands of the Bishops, or the penalties of *premunire* in the hands of the late Lord Westbury. First there must be an action brought; then the unqualified person must act as an attorney or solicitor in that action; then he must be committed for contempt of Court; he is not allowed to bring an action for his fees, but he always takes care to have the fees paid beforehand. The aggrieved party may then go to the Attorney General and ask for leave to sue for £50, and when he has got that leave he must sue in the name of the Incorporated Law Society, and when he has recovered the £50 he must hand it over to the Crown. Our ancestors were not neglectful of this question. They well knew the dangers that would arise from allowing unqualified persons, without stint, to act as attorneys or solicitors. The Preamble of the 11th section of the statute 22 *Geo.* 2, c. 46, is very much to the purpose. It says—

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"And whereas divers persons who are not examined, sworn, or admitted to act as attorneys or solicitors in any Court of Law or Equity, do in conjunction with, or by the assistance or connivance of certain sworn attorneys or solicitors, and by various subtle contrivances, intrude themselves into, and act and practise in the office and business of attorneys, to the great prejudice and loss of many of Her Majesty's subjects, and the scandal of the profession of the law, be it enacted, &c."

The language of the Preamble of the 12th section of the same Act (1749) is very applicable to certain proceedings sufficiently notorious in connection with the Middlesex Sessions and the Old Bailey. It says—

"And whereas frequent delays, inconveniences, and unnecessary expenses arise, and happen, as well to parishes as to private persons, by the mismanagement and unskilfulness of persons employed as solicitors or agents, at the sessions held for the several counties, ridings, divisions, cities, towns corporate, and other places of this Kingdom, who, having never been regularly bred to the law, and being ignorant of the forms and operations thereof, offenders against the law of the land, have frequently escaped with impunity, be it enacted, &c."

The principle which the 3rd clause of the Bill embodies is well explained by Lord Wensleydale, in his comments in the year 1854, on the statute of the 44 *Geo. 3*, c. 98, s. 14, which has since been repealed and re-enacted by the 33 & 34 *Vict.* c. 97, s. 60. Lord Wensleydale says—

"The object of the Legislature could not have been merely to secure to the revenue the duty on certificates. The object of the Legislature was to confine the practice of drawing the instruments to a certain class supposed to have competent knowledge of the subject"—

to provide against mistakes of inexperienced persons in matters of this kind.

"The statute," said Mr. Baron Platt, "was intended to prevent ignorant persons from drawing conveyances of serious import."

The conveyance itself is perfectly valid, no matter who draws it. This, of course, is in accordance with public policy, but under the existing law the person drawing it is liable to a penalty of £50, and is also disqualified from suing for any fees. Oddly enough the remedy is given to the officers of the Inland Revenue exclusively, who must, I think, sue in the name of the Attorney General, and in the Court of Exchequer; but I say this subject to correction. [The ATTORNEY GENERAL signified his assent.] I have referred to the words of Lord

Wensleydale because they clearly show that the object of the Legislature was not merely to protect the Revenue, but also to protect the public against the crass ignorance of unqualified persons. There are persons who are not required to take out certificates, who have the right to draw these conveyances by statute, such as barristers-at-law and serjeants-at-law, which would in itself show that the sole object was not to protect the Revenue. Large sums are made by persons totally unqualified to draw these documents; great irritation is excited in the minds of qualified conveyancers, while the public have no guarantee that the important documents they execute at the most serious moments of their lives—documents dealing with thousands and tens of thousands of pounds—have been drawn by persons who have the slightest knowledge of the subject. I would just say a word with respect to the provisions of the Bill, that a qualified attorney or solicitor must be a certificated attorney or solicitor. What I say is this—Do away with the certificate duty altogether, if you wish, and I, for one, will certainly not oppose it; or else make it a qualification in all cases. I think it very unfair to qualified practitioners that the client is not required to exercise caution as to whether the person he employs is qualified or not. In all other cases the principal is required to see that the agent he employs is a responsible person competent to represent him. The door is opened for collusive actions with a view to dividing the spoil. The unqualified person cannot sue for his fees, but the moment the plaintiff sues for them the disqualification is practically purged. The 3rd clause of this Bill gives a remedy in the County Court, and if reference be made to the Act of 1860 it will be seen that by section 26 the remedy is given through the intervention of the County Court. I think that that is a very excellent provision. The remedy will be inexpensive, the amount recoverable will be small, but the security will be great—for the first time there will be a real protection both to the public and the profession. It may be said—"Why not have free trade in law?" Well, if the State chooses to say that there shall be free trade in law, be it so, and I wish the State joy of the result; but so long as there is a body

of men who are required to undergo a severe course of training and very great expense to qualify themselves for their profession, and who are subjected to very severe discipline in consideration of certain privileges being conceded to them, I say it is the duty of the State to protect those persons from being preyed upon by adventurers and mountebanks, and that if the State were to act otherwise, instead of sanctioning free trade, it would be sanctioning piracy. I beg to move the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Charley.*)

THE SOLICITOR GENERAL said, he would not oppose the second reading of the Bill; but he was sorry he could not speak wholly in its favour, for he knew how earnest the hon. and learned Member for Salford (*Mr. Charley*) was in promoting measures of practical usefulness, which were generally intended to remove hardships under which the humbler classes of the community were suffering. The early portion of the Bill he (the Solicitor General) regarded as containing useful provisions, which might well receive the sanction of the House. It provided that anybody who wilfully and falsely pretended to have a qualification to act as a solicitor or attorney should be guilty of an offence, and subject to a penalty. It was, undoubtedly, right and proper that anybody who held himself out as qualified to do things he was not qualified to do, and who thereby deceived the unwary, should be subject to a penalty of some sort or other, and under the existing law he might be proceeded against if he falsely represented himself to be a qualified legal practitioner. If such a person escaped punishment under present circumstances, it was not because the law protected him, but because the machinery which had to be put in force with that view was cumbrous and difficult to work. With respect to that point, therefore, so far it appeared to him that the provisions of the Bill were useful and ought to be sanctioned, subject to some alteration of the language to which he need not then refer, but which could be made in Committee. But with regard to the 3rd clause of the Bill, it was one of which he could not approve. It seemed to him that if that clause were carried into law, it would

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very unduly and unnecessarily interfere with the liberty of the subject in the widest sense of the term. He alluded to the right that every man had to employ whom he liked, and to do what he liked in his business or anything else, provided he did not do that which was morally or legally wrong. He could not understand why a man should not, if he thought proper, employ any person he thought fit, if he were not deceived into employing him, to prepare documents with reference to his property. If he liked to entrust his business to an unqualified person that was his own affair, and he could not see why a person who was so employed, if he did not in any way deceive the person who employed him, might not do any business entrusted to his charge. By the clause in question it was provided that any unqualified person who prepared any instrument should practically be subject to a penalty of £10, as he was to be subject to an action for that amount in the County Court. When they came to the definition of the word instrument, they found it meant every document relating to real or personal estate, or to any proceeding in law or equity; but it did not include wills and testamentary documents, nor powers of attorney. Under that provision the contingency would arise, that perhaps the very best persons qualified for any particular work might find themselves highly penalized; for example, an accountant who drew up a document for a man on the eve of bankruptcy, with reference to his bankruptcy, would be liable to a penalty of £10. Why that should be he could not understand, as it was more the business of an accountant than of an attorney, and he was more qualified than an attorney to transact it. Again, an auctioneer who prepared a document with regard to a sale of property would be subject to the same penalty, and would not be able to recover the remuneration for his work. He thought it would be most dangerous to sanction any provision leading to those results. With regard to the 4th clause, which referred to bills of sale, it was not, he thought, desirable to oblige a man to call in an attorney. It generally happened in these cases that an attorney came in, sooner or later, without being eagerly sent for, and there was a Bill before the other House containing provisions with regard to bills of sale which

would probably meet the requirements of the hon. Member. If it did not, the clause of the hon. Member might be very well inserted in it. He should not object to the second reading of the Bill, but he thought that the 3rd clause ought either to be struck out, or considerably altered in Committee.

MR. O. E. LEWIS said, that the Bill was one in the interest of the public, and as such it must be looked at; for if it were merely in the interest of the legal profession, it would not be acceptable to the House. While saying that the Bill might in some respects go too far, he yet thought its various clauses admitted of a clear defence, and their details could be dealt with in Committee. He was surprised to hear a Law Officer of the Crown object to the 3rd clause, for it only embodied a principle that was contained in earlier statutes, and which was substantially now the law of the land, as the 60th section of the 33 & 34 *Vict.*, c. 97, showed. In legislation of this kind the public rights ought to be clearly defined; but at the same time, when the Legislature thought fit to tax a certain class of persons annually, there was a collateral right on the part of those persons to receive from the Legislature a reasonable amount of protection in the exercise of their profession. He did not think that the 4th clause, relating to bills of sale, was altogether foreign to the Bill; still, if there were a Bill upon the subject of bills of sale in "another place," it might be prudent to insert the clause in that Bill. It was clear that under the present law persons in distressed circumstances were deluded into signing bills of sale, under which every article of furniture could be, and was, removed off the premises. He submitted that the law in regard to the execution of bills of sale should be placed upon the same footing as the execution of warrants of attorney. This was a matter of great importance to a large class of the community whose necessities compelled them to borrow small sums of money occasionally.

Question put, and *agreed to*.

Bill read a second time, and *committed for To-morrow*.

CHURCH RATES ABOLITION (SCOTLAND BILL.—[BILL 26.]

(*Mr. M'Laren, Mr. Baxter, Mr. Trevelyan, Mr. Grieve, Mr. Laing, Sir George Balfour, Dr. Cameron.*)

SECOND READING.

Order for Second Reading read.

MR. M'LAREN, in moving that the Bill be now read a second time, said, it was the same as a measure which, in 1871, passed by 121 to 76. The Government promised to deal with the subject in the following Session, and also in the succeeding one; but, owing to the pressure of business, that was not done. In the present Session 132 Petitions had been presented in favour of the Bill, many of them being from town councils and other corporate bodies; one being from the Convention of Royal Burghs; one from the General Assembly of the Free Church, and one from the Synod of the United Presbyterian Church. In that way the House would see there had been a general expression of opinion in favour of the Bill. There had been Petitions against it; but nearly all of them had come from Courts of the Established Church. He had good reason to believe—and the absence of Petitions corroborated his opinion—that the members of the Established Church, other than the Church Courts, would be delighted to see some measure passed to remove the grievances which existed. There was one Petition of rather an important kind, from the landowners of the county of Aberdeen, as Commissioners of Supply, in favour of the Bill, and the question, he might state, was growing rapidly in Scotland. Now, it was only necessary to explain the principle of the Bill, and he did so, merely for the information of hon. Members who might not have been in the last Parliament, and who might not have given attention to it. By the law of Scotland, as it then stood, every Church which required repairs had to be repaired at the expense of all the landowners of the parish, and if a church was so dilapidated that a new one was considered necessary, a rate was laid on for its erection. Again, if the minister's house, which they called the manse, required repairs, a rate had also to be laid on for that purpose. Unlike the clergy in England, the Scotch minister was not bound, except in special cases, to keep the house in tenantable condition; and

if he thought it too small, or in a state requiring repairs, he applied to the Sheriff. The Sheriff appointed an architect to report on the subject, and the architect, as might be expected, usually reported that it was better to build a new manse, than to repair or alter the old one. A new manse had accordingly to be built, and a rate levied on the landowners to pay its cost. The rate was laid upon every Dissenter in the parish, and even the ministers of the Free and United Presbyterian Churches were themselves rated on the value of their manses to build a manse for the minister of the parish. In regard to glebes, these cases rarely occurred, and it was not necessary to say much about them; but any addition to a glebe, or any new glebe, would require a similar rate. The Bill before the House was just a transcript of the English Church Rate Abolition Bill, that was arranged by consent of all parties in that House; and was now the law of the land. That Act did not abolish church rates. It allowed them to be laid on, as they had been from time immemorial; but it did away with the legal enforcement of payment. In that way it became a voluntary rate instead of being compulsory. Now, the Bill which he had the honour to introduce was copied *verbatim* from the English Act, with the exception, that the necessary alterations were made in the phraseology to make the wording of the English Act apply to Scotch usages and Scotch law. But substantially all that the Bill proposed was to assimilate the law of Scotland to the law of England. The working of the law in England had been of a most satisfactory character. Thousands of people now paid the rate voluntarily, because there was no compulsion brought to bear on them, who did not pay it before, and the consequence was that plenty of money was so obtained without the harassing proceedings which formerly took place. He admitted at once that the law was not the same in Scotland now as it was in England before the passing of the Church Rates Abolition Act; but it was a great deal worse. It was a great deal more vexatious and a great deal more unjust to Nonconformists. There was no option in Scotland as to laying on the rate. Besides, there was no law in England requiring a rate to be laid on for providing or repairing a house for the

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parish clergyman. There was such a law in Scotland; and thus, the laws of the two countries were dissimilar, but they were dissimilar so that the grievance was greater in Scotland; and they had a stronger claim for redress. On those grounds, he thought the House would do a wise thing to pass the Bill. Let him refer now for a moment to what was said on the former occasion when this question was before Parliament, and the promises that were then made. The then Lord Advocate (Mr. Young) said—

"With the object which my hon. Friend (Mr. M'Laren) has in view, I hope I have expressed my entire sympathy, and also my resolution on the first opportunity which may be afforded me of attempting to deal with it by a measure introduced into this House."

The Lord Advocate further said—

"By taking the course, however, of offering no opposition to the second reading, I hope I shall give some additional emphasis to the regret I sincerely feel at my inability to attempt myself to deal with the subject in the course of the present Session."—[3 *Hansard*, ccvii. 1182-3.]

He hinted at what he thought would be a right kind of measure, and it went considerably further than his (Mr. M'Laren's), because it contained a proposal to abolish by Act of Parliament these imaginary congregations which existed in the Highlands, without any hearers belonging to them, and for which, nevertheless, charges were made to the amount of £120 for each on the Exchequer. His right hon. Friend the present Lord Advocate also pointed out a way of his own by which he thought the grievance could be, to some extent, remedied. He said—

"There was some grievance as regarded a portion of the assessment, and he concurred in the view which had been thrown out in course of the discussion that there would be considerable relief in a more equal distribution of the liability. At present, the assessment occurred at uncertain intervals, and if it were converted into a small fixed amount, benefit would result to all parties."—[*Ibid*, 1183.]

The hon. Member for St. Andrews (Mr. Ellice) also expressed his opinion very strongly, that the subject should be dealt with, and said—

"His hon. Friend (Mr. M'Laren) alluded to a large area in Scotland—one-third of the whole—where, he said, 'a caricature of the Church exists.' He (Mr. Ellice) feared he must concede the justice of that expression."—[*Ibid*, 1179.]

Again, the hon. Member for Bute (Mr. Dalrymple) twitted the Lord Advocate

with not dealing with the question himself. He was reported to have said—

"Still he had some sympathy with the hon. Member (Mr. M'Laren), who had, at least, proposed to remedy a grievance—but he had not a word to say for Her Majesty's Government, whose policy seemed to be on this as on other occasions—'We cannot pass a measure ourselves, and we are resolved nobody else shall.'"—[*Ibid.* 1178.]

The Notice for the second reading of the Bill was placed on the Paper in the first week of the present Session of Parliament, and it seemed to remain unopposed until within a few days ago, when Notice of his Amendment was given by the hon. and gallant Member for Ayrshire (Colonel Alexander), setting forth that it was neither wise nor expedient, without further inquiry, to exempt land from burdens incidental to its tenure. Now, it might be remarked that the difficulty of exempting land from its burdens did not seem to have been discovered until two years ago, when it was exempted from the burdens of maintaining the parish schools of Scotland. They willingly threw that burden on the ratepayers, and no protest was made against it from the opposite side. He did not see, therefore, what was the reason for their opposition now. The Amendment admitted there was a grievance; then why not deal with it? The hon. and gallant Member said, in his Amendment, he was not unwilling to consider any equitable proposal for relieving feus in Scotland below a fixed amount of annual value from assessment for the erection and maintenance of ecclesiastical buildings. Well, how could the House consider any equitable proposal, unless the hon. and gallant Member would allow the Bill to pass its second reading? Why did he not bring forward his equitable proposal? Why not let the Bill go into Committee, and then make the equitable proposal there? The hon. and gallant Member's opinion of an equitable proposal was to relieve feus below a fixed standard from assessment. That view had often been discussed. It was referred to by the late Lord Advocate in the debate he had quoted from, and that hon. and learned Gentleman then gave it, as his opinion, that it would be a very difficult operation. He (Mr. M'Laren) was not, however, going to argue against it. One argument might be used in its favour. Originally, only

the large owners paid these rates. They were levied under the old Valuation Act, which came into existence about two centuries ago. Twenty years ago an Act was passed, introducing a modern system of valuation. It contained a clause intended to prevent any burdens being imposed on persons not previously liable to them, or the burdens being extended on those who were liable; but there were other clauses in the Act which seemed to make it imperative that every burden should be levied according to the new Valuation Act. He was not sure whether those apparently contradictory clauses were ever judicially decided on, but in practice these burdens had since been levied according to the modern valuation, and the effect had been to include small feuars who were formerly exempted. He mentioned that parenthetically, for the encouragement of the hon. and gallant Member, in order that he might be induced to submit clauses in accordance with his views. Unless something of that kind were done, the Amendment could only be considered a mere evasion of the question—a mere putting it aside without any real intention to do anything; because if there was such an intention, the opportunity now existed, and there was no time like the present. If some such clauses were proposed, and obtained the consent of the Lord Advocate, the Bill could be passed within a very short time. The Amendment went on to say that—

"This House is of opinion that, without further inquiry, to exempt the land generally from burdens incidental to its tenure would be neither wise nor expedient."

It did not absolutely say that it would not be wise or expedient; but only that it would not be wise or expedient without further inquiry. Was the hon. and gallant Member prepared to move for a Royal Commission, or for a Committee of that House to get that further information? If he was, then there was something tangible to be dealt with; but if he had no such proposal, it seemed to him (Mr. M'Laren) a mere evasion of the whole question to say that, without further inquiry, it would not be wise or expedient to do anything. The Amendment seemed to apply that if the inquiry was made, it might be very wise and expedient, and that was an additional reason for making the inquiry. It seemed, therefore, to him to be incum-

bent on the hon. and gallant Member to get the inquiry instituted, and he hoped the hon. and gallant Gentleman would show his sincerity in the matter by moving for a Commission or a Committee. But even if that plan were followed, he (Mr. M'Laren) submitted that it would be wise and expedient, meanwhile, to pass the second reading, and allow Amendments to be introduced in Committee. He could not conclude without saying that the result of making the rate chargeable only on large feuars, would be to increase the burden on them. It would not diminish the sum to be paid. Suppose £4,000 to be required, and one-fourth of the property to be occupied by small feuars, if they exempted them from the payment of £1,000 they just increased the share that had to be paid by the large feuars. Now, he thought that would be a questionable kind of legislation. He doubted if it would be altogether according to strict justice; but if the Lord Advocate, or some other hon. Gentleman, would show that the laying of the burden on the small feuars was not intended by Parliament on the passing of the New Valuation Act, and that the burden was originally inherent on large properties only, it might be right to restore the small feuars to the position they occupied before the Act was passed. With these remarks, he begged to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. M'Laren.)

COLONEL ALEXANDER, in moving as an Amendment—

"That while not unwilling to consider any equitable proposal for relieving feus in Scotland below a fixed standard of annual value from assessment for the erection and maintenance of ecclesiastical buildings, this House is of opinion that, without further inquiry, to exempt the land generally from burdens incidental to its tenure would be neither wise nor expedient."

said: My hon. Friend the Member for Edinburgh, Sir, has risen for the third time to try and induce the House to read a second time what he is pleased to entitle "a Bill for the Abolition of Compulsory Church Rates in Scotland" and on every occasion he has professed the Bill to be conceived in the best interests of the Church itself. Well, Sir, there is a quotation, somewhat hackneyed, perhaps, but for that reason not the less true,

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about the fear which certain people inspire, even when they come bearing gifts in their hands; and when I recollect that only last year my hon. Friend cordially and eloquently seconded Mr. Miall's Resolution in favour of disestablishing and disendowing the Churches of England and Scotland, I may, perhaps, be excused for regarding with some mistrust the gift which he this day proffers for the acceptance of the House. Nor can I forget, Sir, that on former occasions my hon. Friend has used expressions towards the Church scarcely consistent with the interest he professes to take in its welfare. My hon. Friend has applied to the Church the expression "Caricature of a Church" and other terms of endearment to which I need not more particularly allude. My hon. Friend has always professed his readiness to change the title of his Bill, but somehow or other he has never done so, and I think we are, therefore, entitled to assume that he has some special object in not acting up to his professions. But, indeed, from his point of view my hon. Friend is quite right, because having assumed the title of the English Bill of 1868, it is of course his object to prove that Church rates in England were in all respects identical with Church assessments in Scotland, and if he fails in establishing this fact to the satisfaction of the House, then, I submit that his case has utterly and entirely broken down. Now, Sir, I will ask the House to give me its attention while I endeavour to shew that there is no analogy between Church rates as they existed prior to 1868 in England, and the assessment levied on land for the erection and maintenance of ecclesiastical buildings in Scotland. Sir, I will not enter into the subtle distinctions which my hon. Friend draws in connection with the incidence of a tax. I am ready to assume, if he likes, that the ultimate incidence of a tax rests rather on the owner than on the occupier of the soil. My point is that in every other respect there is no similarity whatever between the English Church rate and the Scotch assessment. In the first place the English rate was imposed by the will of the majority—that is to say, that if the half *plus* one of the occupiers agreed to impose a rate, they could enforce their will on the reluctant minority—certainly not a desirable state of matters, because

you might thus have a rate compulsorily levied in one parish, whereas the adjoining parish might possibly never be rated at all. I need not stop to point out that no such rate is ever taken in Scotland. Then again, Sir, whereas a rate might be imposed annually in England, in Scotland an assessment—as the hon. Gentleman himself once pointed out—an assessment might recur, perhaps, once in sixty years. Once more, the English rate might be applied to the petty repairs and cleaning of the Church, whereas in Scotland these expenses are defrayed by a collection made at the Church door. My hon. Friend boasts that his Bill is in all respects the same as the English Act; but where, let me ask, is Clause 5 of the English Act, which with permission of the House I will read?—

“This Act shall not affect any enactment in any private or local Act of Parliament under the authority of which Church rates may be made or levied in lieu of or in consideration of the extinguishment or of the appropriation to any other purpose, of any tithes, customary payments, or other property or charge upon property, which tithes, payment, property, or charge previously to the passing of such Act, had been appropriated by law to ecclesiastical purposes, as defined by this Act, or in consideration of the abolition of tithes in any place, or upon any contract made, or for good and valuable consideration given, and every such enactment shall continue in force in the same manner as if the Act had not passed.”

Now, I am sure, Sir, every hon. and learned Gentleman in this House will say that this is a saving clause introduced for the purpose of exempting from the operation of the Act any tithes previously devoted to ecclesiastical purposes. But my hon. Friend urges that the Scotch assessment is a personal tax. He says, and says truly, that Duncan is a great authority, and he has sometimes quoted him largely in support of his view. Yes, Sir, Duncan is a great authority, and with the permission of the House, I will quote him too, but in a sense altogether different from that of my hon. Friend. Duncan says—

“That from the time of the Reformation down to about 1690, the parochiners or parishioners were held liable for maintaining two, and the parson or titular of the teinds the third part or choir of the parish church, and in 1685, that is five years before the abolition of patronage, the Court of Session decided that the teinds might be devoted to the repair of the choir or parson's third of the church.”

But in 1690, when the teinds were given

to the patrons, parsons were abolished, and the duty of upholding the parson's share of the church devolved on the parishioners. Now, Sir, who were these parochiners or parishioners? Duncan says, the term was taken to imply heritors. In the words of Lord Monboddo, when giving judgment in 1781 in the Crieff Case—

“From the days of Alexander II. to 1563, the expense was laid on the parishioners, afterwards it came to be laid on the heritors. The expressions contained in the Act of Privy Council are consistent with this view, because it directs the stent (these words are very important) to be levied by way of a property not a capitation tax.”

And Duncan says, “this construction of the word parochiners has been adopted ever since.” But I have not yet done with Duncan. The following passage strongly supports my view in opposition to that taken by my hon. Friend. He says:—

“The execution of the repair operations required in a parish church, although not a burden which recurs at stated or regular periods, is one which is permanent as opposed to temporary in its nature. Assessment is imposed in respect of the ownership of heritable property which yields, or is capable of yielding a permanent revenue as opposed to a casual return or profit derived not from the fruits or produce of the subject, but from a disposal of part of the subject itself. And in 1805, it was ruled in the Inveresk Case that no part of the expense of rebuilding the church was assessable on an owner of coal mines quæ proprietor thereof, the profit being in the nature of casual profit, rather than permanent rent.”

Only one more instance, Sir, and I have done. Duncan says:—

“The heritor cannot dispose of his seat (in church) separately from his lands. It is annexed to and cannot be dissevered from them.”

Now, Sir, I ask, and ask confidently, what becomes of my hon. Friend's argument that church assessment in Scotland is in the nature of a personal tax? I submit I have conclusively proved that no similarity exists between church assessment in Scotland, and church rate in England. Sir, many people imagine that these unhappy differences between heritors and feuars date from very recent times, or at least not further back than what is known as “the Peterhead Case” in 1802. That is a complete fallacy. Doubtless, complaints have increased in consequence of the growth of towns and villages, of the multiplication of feus, and by the passing of the Valua-

tion Act of 1854, which though not a taxing Act, established a uniform valuation of lands, and thus gave greater facilities for arriving at their real value. Previous to the passing of the Act, the valuation made in the time of Cromwell was the only authoritative basis or standard upon which to estimate the value of land in Scotland. That valuation was known as the Valued rent. But, Sir, disputes between town and country as to the incidence of assessment are nearly two centuries old. The first dispute of this nature occurred in 1685, concerning the expense of repairing the manse and church of the parish and borough of Kirkcaldy, when the Court found that the heritors of the landward parish and borough proportionally liable for the reparation of the body of the kirk. Again, in 1761, the Court ruled that the church of a certain place should be repaired by heritors landward and borough in equal proportions. Once more, in 1781, the inhabitants of Crieff contended that all the expense of building a new church should fall on the country or landward heritors according to their valued rents. But the landward heritors pleaded that a very small church would be necessary to accommodate them and their tenants, and that it would be hard to subject them to the expense of building so large a church, when it was to be principally occupied by the inhabitants of the town. The Court concurring in this view, held that the landward heritors should pay according to their valued rents, and the feuars according to their real rents. Then followed in 1802, the famous "Peterhead Case," in which the Court of Session gave the same judgment as in the Crieff Case; but the judgment was reversed to this extent only, by Lord Eldon sitting with Lord Thurlow in the House of Lords, that heritors as well as feuars were ordered to be assessed on their "real rents." Lord Eldon upon this occasion laid down the principle that every feuar was a heritor, which the late Lord Advocate has since capped by saying, not only that every feuar is a heritor, but that every heritor is a feuar. Sir, I do not wish to weary the House; but I will allude to one more case which occurred in my own parish in 1837, and of which, the details, so far as they are not given by Duncan, were sent me only a few days ago by an old and valued

friend, the minister of the parish, who has since, I grieve to say, been suddenly taken away from his sphere of usefulness. A new church was to be built in Mauchline, and the majority of the heritors agreed to assess themselves according to the invariable practice of the parish on their valued rent, excluding purposely the feuars. But one heritor objected. The collector obtained a judgment against the heritor in the Sheriff's Court, who appealed, and the Court of Session, following the judgment in the Peterhead Case, decided, in 1837, that heritors and feuars must pay according to their real rents. The Lord President, in giving judgment, said—

"It is quite clear that every feuar is liable to assessment in one shape or other, and whether a feu is worth £500 per annum to the feuar, or only £5, the feuar is equally a heritor, and every heritor must be assessed."

But I have it, on the authority of my late lamented friend that, in point of fact, the feuars of Mauchline were never required to pay at all. Well, Sir, this feeling between town and country has become intensified, now that it is easier than formerly to arrive at the real rent of every feuar. One grievance is specially brought forward by the feuar—namely, that the assessment operates unfairly, because it is imposed, not on the agricultural value of the land, but on the building on the land. I fear, this cannot, however, be avoided, because, as the late Lord Advocate once pointed out, there are feuars and feuars; one may own a cottage, with a garden, and another a villa, worth some hundred a year. My hon. Friend has, undoubtedly, adduced some cases of genuine hardship where the assessment presses heavily on very poor feuars, and, indeed, from inquiries I have made, there exist some such instances principally in the North, although I can never forget a harrowing tale, brought forward by my hon. Friend, of an old lady in Forfarshire, 90 years old, who received, as he stated, a threatening letter, which I, at first, imagined must have been sent by Rory of the Hills, or some other individual equally unscrupulous; but my sympathy was, I confess, diminished, when I found she had merely received a missive, informing her that, in common with all other old ladies, she must obey the law. I have inquired, Sir, into the practice of every Presbytery in Scotland, which I find varies very

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much, according to the locality. There are, let me say, 84 Presbyteries in Scotland, each Presbytery containing a greater or less number of parishes. I have entered into communication with the clerks of these Presbyteries, to whom I cannot sufficiently express my obligations, and the House will, I hope, so far indulge me as to allow me to condense the substance of the replies of these reverend gentlemen, because they form an important element in my opposition to the Bill of my hon. Friend. Within the Presbytery of Aberdeen only one case of assessment has been known, seven years ago. In Aberlour, such a thing as assessment has never been contemplated. At Abernethy, the landward heritors have hitherto borne all expenses, without demur, and the feuars are never assessed. At Abertarff, the same custom obtains—and I pray the attention of the House to the very important communication I have received from Aboyne. Although there are several villages within the bounds of that Presbytery, as Aboyne, Banchory, Kincardine O'Neill, Ballater, and Tarland, and though, within late years, new churches have been built at Strachan, Tarland, Kincardine O'Neill, and Ballater, and though the manse of Aboyne and Banchory have been repaired, the feuars have never been assessed. When the church at Strachan was built, there was some talk of assessment; but as the heritors thought the feuars might raise objections, they assessed themselves for the whole cost. Alford Presbytery enjoys the same immunity from taxation, and in the Presbytery of Annan, the only assessment levied is in the parish of Annan. In that place, the heritors met on the 17th of last month, and allocated their portion of the church according to the valued rent, and it was left to the burghal heritors or feuars to pay their portion; but then, I am informed, in the general meetings, heritors of every kind, large and small, have claimed and exercised the right of speaking and voting, and, therefore, no hardship exists. In Arbroath, assessment has been imposed in three instances. In Auchterarder—ever to be remembered in the annals of the Scotch Church—I have only information as to the parish of Dunning, where, however, a new manse has been recently built, for which the feuars were not assessed. Within the

Presbytery of Ayr, assessment has been imposed in Riccarton. In Biggar, there has been only very partial assessment; but, in Brechin, assessment has, undoubtedly, been the rule. In Burrahoe, there are no feuars. In Cairston—as the hon. Member for Orkney knows—there have been assessments, and I need scarcely add, complaints. But the clerk of this Presbytery, the Rev. David Johnstone, to whom I am deeply indebted for very full information respecting the ecclesiastical condition of Orkney, which contains three Presbyteries, assures me that the grievances complained of are very much exaggerated. Except in Kirkwall and Stromness, there are but few feuars, and the land is parcelled out among a great many small landowners or heritors, who certainly appear to be very indifferent men of business, from the accounts I have received. A great deal has been said by my hon. Friend and others, respecting the new manse recently built at Harray, for the united parishes of Harray and Birsay. The lowest estimate, that accepted by the Presbytery was £1,195 5s., and as the late Lord Zetland contributed £1,169, the House will see that the heritors, of whom there are about 100, if they had concurred with the Presbytery, need only have been assessed for £26 5s., but they so mismanaged matters as to build a new manse at a total cost of £1,699 17s. 9d. Still the payment made by Lord Zetland was so large, that notwithstanding this mismanagement, the sum to be made good was comparatively small. But what can you expect in Orkney? It must be one of the most benighted places in the United Kingdom. I hope the hon. Member who represents it so well, read *The Scotsman* of Monday; if he did, he saw that a Free Church does not tolerate a free Press, for at a meeting of the Free Presbytery there, it was proposed to denounce a newspaper called *The Orcadian*, the editor and publisher of which are Free Churchmen, because it advocates the Bill for the abolition of patronage at present before this House, and against which the Presbytery had petitioned. Milder views however prevailed, and a deputation was appointed to expostulate with the two unhappy and misguided men. Sir, when I come to the Presbytery of Chanonry, I find assessment to be entirely unknown. In

Chirnside, an assessment was imposed about 30 years ago for a new manse in one parish, and in another, a proposal was made to tax feuars, but abandoned because it was thought they might possibly prove troublesome. In Cupar, feuars are free. In Dalkeith, Inveresk alone enjoys the unenviable notoriety of assessment. In Dingwall, where many feuars have been granted by the Duchess of Sutherland as Lady Cromartie, feuars are never taxed. In Dornoch, which may be said to be under the same beneficent sway, there is as might be expected, no assessment. Within the Presbytery of Dumbarton, as my hon. Friend who is going to second this Amendment probably knows, there has been partial assessment. That is to say, in the parish of Dumbarton, feuars are taxed, but in other parishes of the Presbytery voluntary contributions are made; and notably in Old Kilpatrick the Kirk Session has agreed to relieve the feuars. In Dumfries, my hon. and gallant Friend the Member for the county will be glad to hear, feuars follow their avocations in peace. In Dunbar—this is a very strong case—there are many feuars, but the heritors purposely exclude them, and abstain from assessing even that powerful corporation, the North British Railway. Dunblane is only stained by one instance of assessment, and in Dundee, it is little more than nominal—in three places, where it has been imposed, but not enforced, the amount having been defrayed by voluntary contribution. In Dunfermline, only one instance is recorded, and Dunkeld rejoices in absolute exemption. On the other hand, in Dunoon, assessment is about to be made for the erection of a new manse. Dunse is however free, but Deer is not quite so fortunate, assessment being imposed in Fraserburgh and Peterhead. In Edinburgh, assessment is imposed in the landward and burghal parishes. In Elgin there is an absolute want of uniformity. In 1826, 1839, and 1854, an assessment was levied in Elgin; but on the other hand, within the bounds of the same Presbytery in the parish of Duffus, containing three large villages, there is no assessment. In 1841, a new manse was built in one parish of this Presbytery, but feuars were exempted from contributing; and again, in 1869, when a new church was erected in Duffus, the large heritors took upon themselves the

whole burden, with the exception—and this is something to be proud of—of a sum of more than £500, which the minister of the parish paid out of his own pocket, and the expense of some stained glass windows which the congregation voluntarily defrayed. I am really sorry, Sir, to take up the time of the House, but I want to convince it, and if possible, even the hon. Member for Edinburgh, that there are two sides to a question, and that the Old Kirk of Scotland is not so grasping as he would make it out to be. In Ellon, there is no assessment. Of Fordoun, I have no certain information; in one of its parishes there was some idea of assessment, but the minister states that the amount to be raised would have been so small as “not to be worth stirring a hornet’s nest for,” and in another parish, Montrose, the magistrates paid the cost of an addition to the manse. In Forfar, where the old lady lives, assessment is certainly not unknown, and complaints are only too well known. But in Forres, on the other hand, no instance of such a tax is to be found. In Garioch, again assessment is imposed, and the same may be said of the Baronry parish in Glasgow, where the expense of collection is, its minister informs me, very great. But, again, within the bounds of the same Presbytery, in the parish of Cathcart, including the populous burgh of Crosshill, only 22 heritors are assessed, and on the old valuation. From Glenelg also, I have very full and satisfactory information; in eight parishes, six of which contain feuars, no assessment has ever been even talked of. In Greenock, between 30 and 40 years ago, the feuars were assessed for the building of the West Church; but sittings were assigned them which they were empowered to let, and the expense of repairs is met by a voluntary contribution. In the Presbytery of Hamilton, assessments have been levied in two parishes—Cambuslang, in 1841 and 1842, for the church—and in 1846 and 1847, for the manse. Before the former year there had been no assessment, but the feuars insisted on taking part in heritors’ meetings, and they were warned by the Duke of Hamilton’s factor, that if they did so, they must pay for the luxury; in short, that there could be no representation without taxation. Bothwell is the other instance of taxation for church purposes

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in this Presbytery. In Haddington, feuars in the parish of Prestonpans only are assessed, and the minister writes, "the cost of collection equals in ordinary the relief to the landowners." In the Presbytery of Inverary, in one parish of which a new manse has been built, and the church extensively repaired, no feuar has been assessed. In Inverness, however, an assessment is levied in burghal parishes. This is also the case in Irvine, where some complaints, as my hon. Friend the Member for North Ayrshire knows, have been made. In Jedburgh, assessments are made, and I am bound to confess, complaints also; but in Kelso, on the other hand, a very satisfactory state of things prevails, and still better in the Presbytery of Kinross, as the clerk informs me, "within the memory of man no feuar has been assessed for the erection or repair of churches or manses." In Kintyre, too, including the populous borough of Campbeltown, feuars are exempt. In Kirkcudbright, a manse was built last year, feuars were assessed, but the magistrates paid for those living within the burgh out of the common good. In Kirkcaldy, there are two instances, but in one—the borough itself—the magistrates discharged the assessment on the feuars out of the burgh funds. In Kirkwall, the House will not be surprised to hear, as the name of the hon. Member for Orkney appears on the back of the Bill, that assessment exists, and great complaints have been made. Coming down to another part of Scotland, Lanark, I admit that feuars are assessed, but as a set off, in the Presbytery of Langholm, the practice of assessing feuars is unknown. From Lauder, I have no reliable information. Once more I find myself in the domain of the hon. Member for Orkney, and it is therefore scarcely necessary to add, that in Lerwick an assessment is imposed, and my intelligence from Lewis will please the hon. Member for Edinburgh, for feuars there are invariably assessed; but I certainly expect the vote of my hon. Friend the Member for Linlithgowshire, for in the more civilized regions which he represents, the feuars have been relieved by the heritors, and let me add to their honour, by the incumbents. Lochmaben is not less satisfactory, and the noble Marquess, who represents Argyleshire, will certainly

vote with me, for the Presbytery of Lorn comes out of the inquiry with clean hands. In Meigle, in 1859-60, an assessment was levied on feuars for a new church; but Mull is innocent of taxation for ecclesiastical purposes. In Nairn, a similar happy state of things obtains, and my letter from Northmaven, illustrated by a beautiful view of the minister's manse, says that although in Olnafirth Presbytery there is a partial assessment of feuars, the heritors in 99 cases out of 100, take the burden on themselves. Let me tell my hon. and gallant Friend the Member for Renfrewshire, that he ought not to vote against me because the clerk of the Presbytery of Paisley knows no instance of ecclesiastical taxation, and my hon. Friend the Member for Peebles will perhaps say why the parish of Inverleithen is an exception to the happy freedom from taxation which otherwise prevails in his domain. Penpont is wholly untaxed, as are 24 out of 25 parishes contained in the Presbytery of Perth. Of Selkirk I am unable to speak positively, but I am under the impression that there feuars are not assessed. In Skye it appears that although all, or almost all, the Free Church buildings are erected on feus, they are not forced to violate their conscience by supporting what they consider an Erastian church. In the Presbytery of Stirling, in four parishes out of 13, the feuars are assessed, one of the four being St. Ninian's, to which my hon. Friend called attention on a former occasion; but I find my revenge in travelling to the West, for Stranraer is not assessed, and perhaps for that reason returns a Conservative—or rather two—to Parliament. In the Presbytery of Strathbogie—which bears, like Auchterarder, an historical name—the parish of Huntly only was taxed, about 12 years ago. I am sorry that my hon. Friend the Member for St. Andrews is not here to rejoice with me that no cry of oppressed feuar disturbs the tranquillity of that interesting and venerable place. The Presbytery of Tain is equally happy, and I rejoice in the assured support of the noble Marquess the Member for Sutherlandshire, for within the bounds of the Presbytery of Tongue, where the Duke of Sutherland reigns alone, no one ever heard of a feuar being assessed. In Turriff one case of assessment is recorded. In the Presbytery of Weem the difficulty

is solved by the happy absence of the feu, his place being exceedingly well supplied by the leaseholder, who may be defined as an unassessable individual. The hon. Member for Wick will be happy to learn that that place got rid of assessments 30 years ago; and perhaps the hon. Baronet the Member for Caithness will explain why Thurso is not equally fortunate. In Wigtown it is unusual to assess feuars; and Uist brings my long list, and, I fear, the patience of the House, to a close. The islands of that Presbytery must be the very Paradise of feuars, for in them ecclesiastical assessments are unknown; and I ask the House, Sir, whether my hon. Friend has not made a mountain out of a mole-hill—more than half the Presbyteries being wholly unassessed, and most of the others very partially so. The hon. Member for Edinburgh has declared that the landowners are generally anxious to relieve themselves from assessment upon the land, and has pointed to the Education Act of 1872 as an example of what he means. But I totally deny that the landowners of Scotland want to be relieved from assessment. The passing of that Act was not their doing, but that of the late Lord Advocate and of the late Government. The landlords have constantly remonstrated against relief from taxation, and I am quite sure that the great majority of them never wanted it. It was an unhappy day for Scotland when the interest which the landlords took in the schools was to some extent removed. My hon. Friend asks me why I do not bring in a Bill on the subject; but to do so on the 8th of July would be a mockery, and, moreover, any measure, to have a chance of success, must be introduced by Her Majesty's Government. Sir, my Resolution pledges the House to consider any plan which the right hon. and learned Lord may introduce for exempting from assessment for ecclesiastical purposes feus below a fixed standard of annual value; and I ask the House to say it is not unwilling to consider such plan, not because feuars are not legally liable to assessment, but on economical grounds, because in many cases the sums obtained from them are not worth the cost of collection, and perhaps also because direct taxation presses most heavily on the very poor. But, Sir, I do not ask for any special exemption from taxation in favour of Dissenters. I assume the

House is not prepared at present to disestablish the Church, and this measure, if it passes, will tend largely to disendow it. My hon. Friend says Dissenters have petitioned largely against this Bill. Of course they have, because they ardently desire the disendowment of the Church. Sir, the late Lord Advocate pointed out that in the great majority of parishes the money provision in the name of stipend would be altogether insufficient to maintain the ministers, and consequently many of them would apply to the court for augmentation of stipend in those places where the teinds were unexhausted. Sir, I have the greatest respect for Dissenters, but in the name of the poor of the land—who know that the Dissenting Presbyterian Churches do not differ practically either in form or doctrine from the Established Church, and who, therefore, desire to worship God in the old kirk of their fathers, without money and without price—I ask the House to reject this Bill. I ask for its rejection because it appeals to the lowest passion of our nature, because it holds out to the landlords of Scotland a direct money bribe—a bribe which, in their name, I venture scornfully and indignantly to refuse—because it seeks to relieve them from the obligation of maintaining a Church which they love—an obligation which, nevertheless, they cheerfully accept, and which, I am persuaded, they will continue faithfully to discharge.

MR. ORR- EWING seconded the Amendment. After the able and eloquent speech of his hon. and gallant Friend, he had little more to say on the subject. He was sure that all who had listened to the speech must be convinced that no grievance now existed to justify the introduction of the Bill. His hon. and gallant Friend admitted that there might be a grievance with regard to the feuars in Scotland, so far as to justify an inquiry; but he did not admit that feuars had a right to be relieved, as the land belonged to them permanently, and they enjoyed the same position as freeholders in England. As to leaseholders, they were not subjected to taxation for either churches or mansees. Indeed, the hon. Member who brought forward the Bill admitted that the landowners of Scotland never asked or desired to be relieved from this taxation which had been imposed on them for centuries,

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and therefore they did not desire the passing of the Bill. The hon. Member who introduced the Bill had brought forward many Bills, which had all the purpose of injuring the Church of Scotland. In those dulcet tones of which he was master, he always endeavoured to make the House believe that he did it for the interest of the Church, which, in fact, he wished to damage and destroy. He formerly brought forward a Bill under the name of Ministers' Money, a name which was unknown in Scotland, and now he brought forward the Bill in question, under the title of Church Rates, things which were equally unknown there. The hon. Member said, the church rates in Scotland were analogous to the church rates which formerly existed in England, but that was not the case. The church rates in England were not compulsory. It depended on the majority of the district as to whether any assessment should be made, and it was on occupancy and movable property, as well as land. That was not so in Scotland, for the burden lay on owners of heritable property. Moreover, in Scotland land-owners bought their property subject to the burden. The amount which the rate produced did not belong to them, and they could not compare the church rate in Scotland to the church rate in England. Still the hon. Gentleman tried to mislead English Members and he was sorry to say that he had so far succeeded in his attempt as to induce some warm supporters of the Church of Scotland to put their names on the back of the Bill. He had misled Scotch Members too. What did *The Scotsman* say on this subject?—

"The abolition of heritors' assessment in Scotland would be the relief of a certain species of property from a burden it has always borne, of an uncertain sum which the present proprietors of the property neither bought nor inherited. In other words it would be making a present to the landowners of a property or revenue which belonged to the State. In principle, it is the same as if in disendowing the Irish Church, the tithes had been given to the Irish landlords, instead of being applied to good uses by the State to which they belong."

In the spirit of that he cordially agreed, and he should like to know how hon. Members opposite could support a Bill of the kind? At whose instance was the Bill brought forward? Was it brought forward by those who were as-

sessed? Certainly not. The landlords of Scotland acknowledged the burden that was placed upon them, and did not ask to be relieved from it. In truth this was a Bill which had been brought forward at the instance of the Liberation Society of England, for the purpose of by degrees disendowing the Church of Scotland. He was a proprietor in three parishes, and in all those parishes till the last year, they never thought of asking one farthing from the feuars. In two of the parishes, the assessment was placed on the old valued rental, and there was not a single farthing taken from the feuars; but in another parish last year it was changed, and what was the cause of the change? There was only one heritor in the parish who desired to make a change. It was not to save the pockets of the owners of the land; but it was done for no other purpose except for the purpose to bring the Church into discredit with the feuars of the parish. As he had observed before, he would not admit that feuars had any legal claim to exemption; but he was ready to support an inquiry into this subject, and after inquiry legislation might take place at some future time if Her Majesty's Government thought proper to propose it; but he should certainly give his strenuous opposition to the Bill.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "while not unwilling to consider any equitable proposal for relieving feus in Scotland below a fixed standard of annual value from assessment for the erection and maintenance of ecclesiastical buildings, this House is of opinion that, without further inquiry, to exempt the land generally from burdens incidental to its tenure would be neither wise nor expedient,"—(*Colonel Alexander*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. RAMSAY said, they had listened to what had been characterized as a short account of church rates in Scotland, and of the history of the church rates as they formerly existed in England, and they had had the exposition of the hon. and gallant Gentleman who submitted the Amendment confirmed by the hon. Member for Dumbartonshire, to satisfy the House that the church rates levied in England prior to 1868, were different in their incidence, and the pur-

poses to which they were applied, from Church assessments in Scotland. He (Mr. Ramsay) was rather surprised that that challenge should have been thrown out, as the investigation he had given to the subject had satisfied him that in their nature, in the purposes to which they were applied, and in their incidence, the church rates which were formerly levied in England were exactly the same, except in the point of the extent to which they could be levied, as they were in Scotland. All these assessments were levied by law for the support of ecclesiastical buildings, and even if the law of England had differed in its origin or nature from the law of Scotland in relation to the assessment, he thought there could be reasons adduced why persons possessing small property should be exempted from such rating. But the hon. Member for Dumbartonshire had not submitted any such reasons. He (Mr. Ramsay) should, however, take leave to state to the House some of the information on which he had relied, to show that the statement of the law of England made by the hon. Member was not in conformity with the opinions of gentlemen who had studied the subject. The year before last the House, by a majority of 100, intimated their opinion that it was not desirable to restrict the area of local rating, but it was desirable to widen the area. If properties of small annual value in Scotland were to be exempt, they would alter the law in that particular without any corresponding advantage. He was a small feuar himself. He held of the Crown 50,000 acres of land, and for that he paid £121 a-year. He had had a good deal of experience in the management of land, and the experience of the hon. Member for Dumbartonshire differed from his, if he had not heard great complaints as to the present mode of levying the assessments for the maintenance of ecclesiastical buildings. A good deal had been made of the title given to the Bill, by the hon. Member for Edinburgh. In the old Acts the word used was *stent*, and *stent* meant rate. The hon. Member for Edinburgh might have called it a Church Assessment (Scotland) Bill, and that would mean the same thing. He (Mr. Ramsay), however, thought the hon. Member did not act unwisely in selecting the designation he did, and he

Mr. Ramsay

thought the hon. Member who addressed them last was not correct in his statement as to the law regarding church rates in England. He (Mr. Ramsay) understood that it had never been determined in the Courts of Law that the ratepayer could in all cases refuse to levy an assessment for the maintenance of ecclesiastical buildings. On the contrary, it was held that it was necessary to levy a rate in certain cases, and the church rates in England were dependent, not on statute law, but on immemorial custom. On that point he would quote from the Report of the Poor Law Commissioners on Local Taxation, dated 17th August, 1843, in that Report, it was stated, that the church rate in England was unquestionably the most ancient of the present local taxes. It said—

"Legal writers and judicial authorities generally agree in referring it to the period when the intervention of the inhabitants in assessing the rate first becomes apparent in our judicial records, the earliest of which is contained in the 'Year-Book' of the 44th year of Edward the Third's reign (1369-70), and refers to a custom in a parish which would carry the practice back to the reign of Richard the First—that is, to the year 1189."

Now, no evidence could be adduced to show that at that period there was any statutory authority for levying rates. Prior to the Reformation the churches and ecclesiastical structures of the country were usually maintained from the Church property, which was then held by ecclesiastics throughout the land. The same authority which he had quoted stated that—

"The rate being thus of considerable antiquity, and raised under the common law, modified merely in some particulars by statute, and being also for the most part within the jurisdiction of the Ecclesiastical Courts, the law with regard to it is perhaps neither so strictly defined, nor so readily ascertained as the legal provision applicable to other rates."

They went on to say—

"The principal purposes of the rate are of two kinds, and may be classed according as they relate to the fabric, or to the service of the Church. Under the common law, the rate is intended to keep in repair the body of the church, the belfry, and all public or common chapels within or adjoining to the church. The chancel is usually repaired by the parson, but sometimes by the parishioners."

Under the Acts of 58 Geo. III., c. 45, and 59 Geo. III., c. 134, and the 3 Geo. IV., c. 72, the rate was made available for the enlargement and im-

provement of existing churches and chapels, and the purchase of sites for and the erection and future repair of new churches and chapels in populous places.

"Under the common law also, the rate is to furnish all those things which are required directly or indirectly in the service of the church—a communion table, and the bread and wine, a font of stone, a reading desk and pulpit, a Bible and Prayer-Book, a Book of Homilies, the Ten Commandments, and other chosen sentences on the walls: and a chest for alms."

Again—

"The burden of repairing the church, originally the duty of the Bishop—and by the Canon Law imposed upon the rector or other recipient of the tithe and other ecclesiastical revenue of the parish, was, so far as that part of the church is concerned, which was appropriated to the use of the people, cast in very early times on the parishioners, while the part of the church appropriated to the priest—the chancel—was generally left to be repaired by the parson, though this also is sometimes by custom transferred to the parishioners. The rate is, as to most of its purposes, and entirely as to its present mode of imposition on property and persons, founded on immemorial customs. Whatever may be the abusive application of this rate in practice, legally it still remains applicable only to purposes strictly connected with the fabric and service of the Church."

With regard to the persons liable to be assessed, in England it was laid upon the parishioners, and in Scotland the same expression was used. Indeed, persons living out of the parish were not assessed in respect of lands held by them within the parish. [Mr. ORR-EWING said, the word he had used was occupancy.] He should have something to say upon the subject of occupancy before he concluded his remarks. In the Committee of the House of Lords appointed to inquire into the laws relating to parochial assessments, Sir George Cornwall Lewis gave evidence with respect to the incidence of the poor rate, and showed that it exactly corresponded with that of the church rate. After reading the Act of Elizabeth, on which the law of rating turned, Sir George Cornwall Lewis was asked, why the rate was not charged upon the owner instead of the occupier; and his answer was, that it was charged on the owner instead of the occupier, for the facility of collection; but there was no doubt that the rate fell ultimately upon the owner. He (Mr. Ramsay) urged that the extracts he had read to the House proved conclusively that in the opinion of the highest authorities the church rate

by the law and practice of England was more ancient in its origin than the assessment levied for the maintenance of ecclesiastical buildings in Scotland; but that the purpose to which it was applied was the repair and maintenance of the churches and chapels of the Establishment, and that all lands and properties were liable to be assessed for that purpose. As a matter of practice, stock-in-trade was not assessed; but the church rate was levied on the same basis as the poor rate, and upon no other. The police rate, the county general assessment, and the lunacy rate were all levied on the same persons and the same property. Prior to the Reformation, there was no evidence to show that there was any statutory authority for levying assessments in Scotland for ecclesiastical purposes; but the buildings were usually maintained by the clergy from ecclesiastical property. By a canon of the Provincial Councils held in Perth in 1242 and 1269, it was ordained that manse should be provided, a burden which had not been imposed in England at all. In Scotland the obligation to provide and keep the manses in repair was entirely founded on statute law, and was not incident to the tenure of land. He had certainly never heard it proposed, when the income tax was reduced, for example, that the property of the country should be bound to commute and make a payment to the State in respect of the reduction. Nor had such a principle been enforced in regard to any other tax which had ever been imposed on the land. In the year 1563, by an Act of the Scotch Parliament, the Lords of the Council made an order for the repair and upholding of parish churches and churchyards; and by an Act made at Stirling in the same year, it was provided that the parson should pay one-third, and the parishioners two-thirds of the expense—every one being taxed according to his circumstances. The words of the English law were "usage, or according to their ability," while in Scotland the common phrase, but which meant exactly the same, was "means and substance." In 1572, it became necessary, as the public were found to be slow in imposing taxation upon themselves for the maintenance of ecclesiastical buildings, to pass an Act of Parliament to enforce upon them their duty in this respect. These Acts were the only legisla-

tive enactments for the collection of the assessments to which the Bill referred, and if Parliament would consent to repeal these Acts, the supporters of the Bill would be quite satisfied to take their chance, without asking for the passing of the measure, because there would then be no law by which the assessments could be enforced. But they did object to the practice of taking funds from the pockets of those who had churches of their own to maintain, for the purpose of maintaining structures which they never used. A great deal had been made of the fact that in many of the parishes of Scotland the assessment had not been levied on the feuars who lived in the parish. He was himself owner of two parishes, and he had a considerable interest in another. In each of them he had paid considerable sums, but he had never asked one of the persons who were legally liable, to pay a farthing towards the assessment. At the same time, he did not consider that that was any reason why the law which rendered it possible to enforce against him the payment of an assessment for a purpose of which he did not approve should continue to remain upon the statute book. With regard to manse, the Act was a very simple one—namely, that where they were not already built the heritors should build them, but the cost and expense was not to exceed £1,000 Scots, or £73 6s. 8d.; he, however, had heard instances in which a manse cost £1,700. The custom now appeared to be that the persons who were liable to this assessment should provide the sum necessary for the erection of a competent and suitable manse, the Act not being as strictly construed as a criminal statute would be. In conclusion, he would observe that there was nothing whatever in the enactments proposed by the Bill which would interfere with the liberality of any person who wished to continue his support to the maintenance of the church, &c. The Established Church in England had made no complaint of the abolition of church rates, and so far from being dissatisfied with the result of that measure, he believed that the people generally throughout England had expressed a feeling of satisfaction at being relieved from what was so long a subject of irritating controversy and dispute. He trusted that hon. Gentlemen would not only refuse to entertain the vague

Amendment which had been proposed, but that the Bill should be read a second time, and become law before the end of the Session, and relieve many persons from a tax which ought never to have been imposed upon them. By so doing, the House would show the people of Scotland that they were desirous of remedying a substantial grievance.

SIR GRAHAM MONTGOMERY said, the hon. Member who had just sat down had confined his remarks to a comparison of the law of this country with that of Scotland in regard to Church rates. He had listened with attention to the quotations given by the hon. Member, but he had failed to hear in one of them anything to induce him to believe that Church rates in England were not a voluntary assessment. Supposing that a Church rate had been refused, was there anything previous to 1868 to compel the parishioners to repair the parish church? He believed, in regard to the fabric of the church, that there were no means of compelling the parishioners to do the necessary repairs, unless they were willing to do so. Perhaps some other hon. Member would show the House how the case really stood. His own impression was, that when repairs were required, the incumbent called a meeting of the parishioners, and if they were willing to impose a rate by a majority, then an assessment was made; but if they were unwilling, then the fabric of the church must be allowed to remain in a state of dilapidation. That, however, was not the case in Scotland, for if a church was permitted to fall into a bad state of repair, it was competent for the Sheriff to make an order for the necessary repair to be made. He did not know in whom the ownership of the parish church rested in England; but in Scotland it rested with the heritors, and there was an obligation cast upon different classes of property to repair the building. The heritors could not escape from that burden. It was part and parcel of their obligations, and was always a matter of consideration when arrangements were made for the purchase of land. Every intending purchaser made it a special point to ascertain what the obligations upon the land were, and in many cases it formed a ground for investing in property that the church and manse had been recently repaired. He certainly did not understand why, by passing the Bill, a present of the sums

now paid should be made to the heritors. They had bought the property, knowing that it was subject to this obligation, and why should they be relieved from it? Why should Parliament be called upon to relieve these gentlemen from the obligation to repair the churches and mansees of the parishes in which their properties were situated, especially when it was well-known that the great majority of the heritors did not wish to be relieved from it, but were perfectly content with the law as it stood? It had been asserted that if the clergy were deprived of their mansees and the churches were allowed to get out of repair, it would be open to the ministers to apply to the Court of Teinds for an increase of their stipends; and if this were so, those who were anxious to be relieved from the present burden would find that the Bill of the hon. Member for Edinburgh would afford them no real assistance. At the same time, he should be glad if Her Majesty's Government would attempt to devise some plan in the way of commuting the amount to be levied according to the means of the persons who had to bear it, by which an end could be put to the disagreeable feeling which undoubtedly did prevail in Scotland in regard to this assessment, and he thought there was no man in the House more competent to deal with it than the right hon. and learned Gentleman the Lord Advocate.

MR. J. W. BARCLAY desired to express, on behalf of a large and influential section of his constituents, their acknowledgment to the hon. Member for Edinburgh for his long continued efforts to bring this question to a settlement. His constituents were pecuniarily interested in the question, and he was in a position to say that the levying of the tax had created great dissatisfaction and discontent among the feuars. He wished to refer particularly to one of the cases which had been brought before the House by the hon. Member for Edinburgh. In the town of Aberdeen, with which he (Mr. Barclay) was connected, the levying of the tax had caused much heart-burning. He had no desire to express any special interest in the welfare of the Church of Scotland, since such expressions seemed to be offensive to hon. Members opposite, who appeared to think that it was their special duty to guard the Church; but he was entitled to say, that clergy-

men of the Established Church had been placed in an awkward and disagreeable position from the necessity of levying this assessment from the feuars of the parish. He, therefore, thought it would be a great advantage to the Church of Scotland to have the matter settled in some way, so that they could get rid of what at present constituted an undoubted grievance. He had some difficulty in dealing with the able and eloquent speech of the hon. and gallant Member who moved the Amendment. The first part of the speech was devoted to answering arguments which the hon. Member for Edinburgh had never used, and the next portion related exclusively to the historical aspect of the question. The information conveyed by the hon. and gallant Gentleman was no doubt interesting, but it was not applicable to the real point under the consideration of the House, and his statistics showed to his (Mr. Barclay's) mind, that on the part of the feuars there was a tangible grievance—so much so, that in only a few of the Presbyteries did the heritors properly think it advisable to enforce the payment of the tax from the feuars. He strongly condemned the tax as it applied to the feuars, for he agreed with them in thinking it was very hard that they, while quite willing to pay the sums assessed on the land, should be obliged to pay the tax on the houses they had built on the land. He agreed with the hon. and gallant Member that the land should not be relieved from any of its due liabilities. The impression on the public mind of Scotland was that this liability of the heritors to maintain the ecclesiastical buildings was very much in the nature and position of the teinds. In city parishes, ecclesiastical buildings were maintained by the town councils, who were the same persons who paid the ministers' stipends. He quite agreed with the hon. and gallant Member for South Ayrshire in deprecating any relief to the land proprietor from the tax, and, as he opposed the Bill, he thought a duty devolved upon him or the Government of introducing some measure to settle the question in a more satisfactory manner than the Bill under notice would do. In the meantime, he should vote for the second reading of the Bill, not that he considered the proposal made by the hon. Member for Edinburgh the best solution

tive enactments for the collection of the assessments to which the Bill referred, and if Parliament would consent to repeal these Acts, the supporters of the Bill would be quite satisfied to take their chance, without asking for the passing of the measure, because there would then be no law by which the assessments could be enforced. But they did object to the practice of taking funds from the pockets of those who had churches of their own to maintain, for the purpose of maintaining structures which they never used. A great deal had been made of the fact that in many of the parishes of Scotland the assessment had not been levied on the feuars who lived in the parish. He was himself owner of two parishes, and he had a considerable interest in another. In each of them he had paid considerable sums, but he had never asked one of the persons who were legally liable, to pay a farthing towards the assessment. At the same time, he did not consider that that was any reason why the law which rendered it possible to enforce against him the payment of an assessment for a purpose of which he did not approve should continue to remain upon the statute book. With regard to manse, the Act was a very simple one — namely, that where they were not already built the heritors should build them, but the cost and expense was not to exceed £1,000 Scots, or £73 6s. 8d.; he, however, had heard instances in which a manse cost £1,700. The custom now appeared to be that the persons who were liable to this assessment should provide the sum necessary for the erection of a competent and suitable manse, the Act not being as strictly construed as a criminal statute would be. In conclusion, he would observe that there was nothing whatever in the enactments proposed by the Bill which would interfere with the liberality of any person who wished to continue his support to the maintenance of the church, &c. The Established Church in England had made no complaint of the abolition of church rates, and so far from being dissatisfied with the result of that measure, he believed that the people generally throughout England had expressed a feeling of satisfaction at being relieved from what was so long a subject of irritating controversy and dispute. He trusted that hon. Gentlemen would not only refuse to entertain the vague

Amendment which had been proposed, but that the Bill should be read a second time, and become law before the end of the Session, and relieve many persons from a tax which ought never to have been imposed upon them. By so doing, the House would show the people of Scotland that they were desirous of remedying a substantial grievance.

SIR GRAHAM MONTGOMERY said, the hon. Member who had just sat down had confined his remarks to a comparison of the law of this country with that of Scotland in regard to Church rates. He had listened with attention to the quotations given by the hon. Member, but he had failed to hear in one of them anything to induce him to believe that Church rates in England were not a voluntary assessment. Supposing that a Church rate had been refused, was there anything previous to 1868 to compel the parishioners to repair the parish church? He believed, in regard to the fabric of the church, that there were no means of compelling the parishioners to do the necessary repairs, unless they were willing to do so. Perhaps some other hon. Member would show the House how the case really stood. His own impression was, that when repairs were required, the incumbent called a meeting of the parishioners, and if they were willing to impose a rate by a majority, then an assessment was made; but if they were unwilling, then the fabric of the church must be allowed to remain in a state of dilapidation. That, however, was not the case in Scotland, for if a church was permitted to fall into a bad state of repair, it was competent for the Sheriff to make an order for the necessary repair to be made. He did not know in whom the ownership of the parish church rested in England; but in Scotland it rested with the heritors, and there was an obligation cast upon different classes of property to repair the building. The heritors could not escape from that burden. It was part and parcel of their obligations, and was always a matter of consideration when arrangements were made for the purchase of land. Every intending purchaser made it a special point to ascertain what the obligations upon the land were, and in many cases it formed a ground for investing in property that the church and manse had been recently repaired. He certainly did not understand why, by passing the Bill, a present of the sums

Mr. Ramsay

now paid should be made to the heritors. They had bought the property, knowing that it was subject to this obligation, and why should they be relieved from it? Why should Parliament be called upon to relieve these gentlemen from the obligation to repair the churches and manse of the parishes in which their properties were situated, especially when it was well-known that the great majority of the heritors did not wish to be relieved from it, but were perfectly content with the law as it stood? It had been asserted that if the clergy were deprived of their manse and the churches were allowed to get out of repair, it would be open to the ministers to apply to the Court of Teinds for an increase of their stipends; and if this were so, those who were anxious to be relieved from the present burden would find that the Bill of the hon. Member for Edinburgh would afford them no real assistance. At the same time, he should be glad if Her Majesty's Government would attempt to devise some plan in the way of commuting the amount to be levied according to the means of the persons who had to bear it, by which an end could be put to the disagreeable feeling which undoubtedly did prevail in Scotland in regard to this assessment, and he thought there was no man in the House more competent to deal with it than the right hon. and learned Gentleman the Lord Advocate.

Mr. J. W. BARCLAY desired to express, on behalf of a large and influential section of his constituents, their acknowledgment to the hon. Member for Edinburgh for his long continued efforts to bring this question to a settlement. His constituents were peculiarly interested in the question, and he was in a position to say that the levying of the tax had created great dissatisfaction and discontent among the feuars. He wished to refer particularly to one of the cases which had been brought before the House by the hon. Member for Edinburgh. In the town of Aberdeen, with which he (Mr. Barclay) was connected, the levying of the tax had caused much heart-burning. He had no desire to express any special interest in the welfare of the Church of Scotland, since such expressions seemed to be offensive to hon. Members opposite, who appeared to think that it was their special duty to guard the Church; but he was entitled to say, that clergy-

men of the Established Church had been placed in an awkward and disagreeable position from the necessity of levying this assessment from the feuars of the parish. He, therefore, thought it would be a great advantage to the Church of Scotland to have the matter settled in some way, so that they could get rid of what at present constituted an undoubted grievance. He had some difficulty in dealing with the able and eloquent speech of the hon. and gallant Member who moved the Amendment. The first part of the speech was devoted to answering arguments which the hon. Member for Edinburgh had never used, and the next portion related exclusively to the historical aspect of the question. The information conveyed by the hon. and gallant Gentleman was no doubt interesting, but it was not applicable to the real point under the consideration of the House, and his statistics showed to his (Mr. Barclay's) mind, that on the part of the feuars there was a tangible grievance—so much so, that in only a few of the Presbyteries did the heritors proper think it advisable to enforce the payment of the tax from the feuars. He strongly condemned the tax as it applied to the feuars, for he agreed with them in thinking it was very hard that they, while quite willing to pay the sums assessed on the land, should be obliged to pay the tax on the houses they had built on the land. He agreed with the hon. and gallant Member that the land should not be relieved from any of its due liabilities. The impression on the public mind of Scotland was that this liability of the heritors to maintain the ecclesiastical buildings was very much in the nature and position of the teinds. In city parishes, ecclesiastical buildings were maintained by the town councils, who were the same persons who paid the ministers' stipends. He quite agreed with the hon. and gallant Member for South Ayrshire in deprecating any relief to the land proprietor from the tax, and, as he opposed the Bill, he thought a duty devolved upon him or the Government of introducing some measure to settle the question in a more satisfactory manner than the Bill under notice would do. In the meantime, he should vote for the second reading of the Bill, not that he considered the proposal made by the hon. Member for Edinburgh the best solution

of the question, but as a protest against the existing system, and to show that he thought it ought to be redressed as soon as possible.

SIR WILLIAM EDMONSTONE said, that the Bill of the hon. Member opposite (Mr. M'Laren) was another stone thrown at the Church of Scotland, and he believed if it were to pass, that many manse and churches in Scotland would fall into disrepair. He opposed the Bill entirely on principle, and he called upon the Friends of the Church of England, as well as the Friends of the Church of Scotland, to resist the Motion.

MR. LAING said, he would not have troubled the House if it had not been for the representations which had been made by the hon. and gallant Member for South Ayrshire in regard to the position of Orkney in reference to the question. He could assure the hon. and gallant Gentleman that in Orkney the operation of the Church rate caused a great amount of hardship and exasperation, and yet he asserted with confidence that there was not a single county in Her Majesty's Dominions which approached, or at all came up to it, in educational standard or attainments. As regarded the speech of the hon. and gallant Member, and several other speeches which had been made, they had one great fault—namely, that they were made on the wrong side of Westminster Hall. Had the Speaker been sitting in *Banco*, or at *Nisi Prius*, a great many of the arguments which had been used, based upon precedents from Duncan, and on Acts of Parliament two centuries old, would have been exceedingly valuable and useful; but in that Assembly what they had to discuss was, he apprehended, not what the law was, but what the law ought to be. That was the broad, national issue upon which the question as it affected England was discussed in that House. He would ask them whether in Scotland, where certainly everybody must admit the principle of an Established Church was weaker than in England, they were to apply principles which they had not ventured to apply when this question was brought to a test in the sister Kingdom of England? When hon. Members talked of throwing a stone at the Established Church of Scotland, he would like to ask whether a stone was thrown at the Established Church in England

by the consideration of the subject by Parliament, and the conclusion arrived at—that these were small matters, which it would be well to leave entirely to the voluntary principle—or whether the position of that Church was now more or less secure than it was when in most of the large towns in England there were violent contests occurring, and large numbers of the population were being trained up in feelings of animosity to the Church? Everyone knew that the principle of the endowment of the Church of England was not shaken in the slightest degree by that measure. That was a question depending entirely upon far larger considerations—it was a question for the future. But for the present the Established Church of England was stronger in consequence of the abolition of Church rates. Now, in Scotland the case against the Church rates was infinitely stronger than it was in England, because while in England the Established Church was the Church of the majority, in Scotland no one claimed the majority for it. He would illustrate it by one case which had been referred to by the hon. and gallant Member who had moved the Amendment, and upon which his information as to matters of detail was as incorrect as it was upon the general educational position of the Orkneys. The parish of Arran was subdivided amongst a number of very small proprietors. There were upwards of 150, he (Mr. Laing) thought, of these small feuars. The whole annual value of the parish was somewhere about £2,000 a-year, and of that Lord Zetland had a large portion. A very simple arithmetical sum would show that the average annual value of the other heritors was something like £15 a-year, and, in fact, many of them averaged below £10 a-year. Was it not a hardship to come down on these men, of whom not one in five belonged to the Established Church, for an assessment about equal to one year's income? In many parts of Ross and Invernesshire, where the Free Church or other Dissenting Presbyterian congregations congregated, that was a case of constant occurrence; and was he to be called an enemy of the Established Church because he did not wish to perpetuate that state of things? The real enemies of the Church of Scotland were those who provoked discussions year after year in that

Mr. J. W. Barclay

House by their persistent refusal to remedy anomalies in the law which were absolutely indefensible. He could not help feeling that the Bill which had been debated the other night was the first nail in the coffin of the Establishment in Scotland, and the maintenance of Church rates would be a second nail driven into that coffin. If he were an enemy of the Establishment, he would counsel the House to reject this Bill. He was not, however, an enemy of establishments, and he therefore desired to see that injustice removed, which pressed so heavily on the population in many parts of Scotland, and the Church put on the same footing that it had been put in the wealthier sister Kingdom of England. For these reasons he should give his hearty support to the second reading of the Bill.

MR. MACARTNEY, as an Irish Member whose Church had been disestablished, was determined to oppose the introduction of the thin end of the wedge for the purpose of disestablishing the other two Churches in the United Kingdom. He did so, also, on the ground that the lands were held subject to the rate in question, and that it was no reason for relieving people from a tax, because they did not like to pay it. There was a stronger reason for maintaining the charge in Scotland, than there had been for upholding church rates in this country; because in Scotland, people all professed the same faith, and the members of the Free Church would not object to join in the services of the Established Church. If the Bill were to pass, those who in Ireland were paying a charge somewhat similar to the Commissioners of the Church Temporalities of Ireland would ask to be relieved from it, on the ground that what was sauce for the goose was sauce for the gander.

SIR EDWARD COLEBROOKE said, that before he heard the speech of the hon. and gallant Member for South Ayrshire, he had asked himself the question, whether the Amendment was meant to be hostile to the Bill of the hon. Member for Edinburgh, seeing that it admitted to a certain extent, that there was a grievance, and expressed a willingness to inquire into it. But after the speech which the hon. and gallant Gentleman had made, he thought there could be no doubt that the Amendment

was one of direct hostility to the Bill, and he could, therefore, advise his hon. Friend who had charge of the Bill to accept it as such. The Amendment did not touch the religious grievance, which that House ought not to treat lightly. It would leave as strong as ever those objections which applied to the existing law, arising from the uncertain and onerous nature of the obligation which was thrown upon proprietors in Scotland, who were called upon to pay in a manner which imperatively called for redress. There was a suggestion thrown out by his hon. Friend the Member for Peebles, which he was very glad to hear, because it would remedy in some respects the grievances complained of. He (Sir Edward Colebrooke) made a similar suggestion some years ago, when the question was before them, and if the right hon. and learned Lord could see his way to act upon it, and provide commutation for the burden upon land, at the same time that he limited it in such a manner as to fall only upon those whom the hon. and gallant Gentleman who moved the Amendment said were willing to bear it, he wished him well in that undertaking; but he saw no means of arriving at that solution of the question, and at the same time of giving that relief which he thought the Dissenters were fairly entitled to, without the right hon. and learned Lord adopted the proposal of the hon. Member for Edinburgh, and reduced this tax to a voluntary tax, as was the case in England. He must, however, disavow in the strongest manner, the charge that in supporting the measure they were acting in hostility to the Church of Scotland. That was an old argument which they had heard for the last 10 or 20 years. They were then told that church rates were one of the bulwarks of the Church of England; but he was happy to say, that the public mind advanced year by year in the direction of relieving the Dissenters, and in the end a large body of the clergy and laity of the Church of England combined with the Dissenters in pressing upon Parliament to get rid of this tax. He did not despair of those opinions making their way in Scotland; because he was quite sure, that when the question was fairly inquired into, it would be found that they had a claim to equitable relief. He should dismiss in a few words the argument that that was

a charge and not a tax. He could only understand by a charge upon a land, something of a distinct nature, which, if taken from one person, might be handed over to another; but was that the case with that burden? Could the right hon. and learned Lord contend that if Parliament were to decide upon abolishing the tax, the proprietors could be called upon to pay the money into the Exchequer? Not at all. The history of the tax showed clearly the contrary. It was a statutory tax, imposed in general terms upon the parishioners of Scotland for the purpose of maintaining ecclesiastical edifices, and in that respect, it did not differ in any important particular from the state of the law as it existed in England. The Common Law obligation of England was, that everybody was bound to maintain the Church, but the law was a very imperfect one. If the parishioners met in vestry and refused to do so, they might by an Act of *Mandamus* be called up to the Court of Queen's Bench and ordered to make a rate; but if they held up their hands for a farthing rate, which was not worth collecting, there was no remedy at all. The law in Scotland, moreover, was absolutely one which, in the first instance, was limited to those who possessed inherited property; but afterwards came the question of distributing the burden by bringing in other classes of property; and, lastly, in many parts of Scotland all property under the Valuation Roll was brought under it. Now, was that a just law, and should it be maintained? With regard to the burden on property, if they could separate in any way the larger proprietors and those willing to bear it from Dissenters and those on whom it became an onerous burden, he for one should not be disinclined to accept such a solution of the question. But even supposing the Bill should be passed, the moral obligation on him would be the same, for he had no desire to avoid the tax; and he believed the proprietors would continue to maintain the Church as before; that they would have better churches than they had at present; and that they would receive more liberal treatment than they did under the existing law. It had been said that the proprietors cheerfully bore these burdens. He denied that they might do so generally, for occasionally there came extor-

tionate and most unreasonable demands on the part of the clergy, which led to very strong resistance, not from Dissenters merely, but from the Church. He had had several instances of the kind in his own neighbourhood. He mentioned that to show the fallacy of the argument that it was a fixed burden, the nature and amount of which anybody could calculate for himself beforehand. It was a most uncertain and indefinite one, which might fall upon poor heritors as well as rich, and upon whom a claim might be made amounting to one-half their income in one year. He thought that was unjust. The case of the small proprietors was one which deserved consideration; because if the large proprietors combined together, the former were hopeless, and could make no resistance, for there was no power, as was the case under the law in England, of deciding in vestry what should be the amount. Then there was the religious aspect of the case, and out of that a great hardship arose, which was well deserving of the consideration of the House. It was said that the land was bought subject to this tax. Was that the case in regard to the Free Church and the United Presbyterian manse? They were built by the free-will offerings of the members of the congregations, and then the Kirk of Scotland came and made a grab at some portion of that, in order to build manses of their own. He thought that was most unjust, and no sophistry or reasoning that might be used would reconcile the people of Scotland to any act of that kind. He, therefore, wished to impress upon the Government most seriously that if they took the settlement of this question in hand, they must be prepared to deal with that part of the grievance. There was one other aspect of the case which had been only slightly alluded to, and that was the repair of the manses. In England, there was no obligation to keep manses in repair, but there was a correlative obligation on all incumbents to keep their manses in repair; but in Scotland, whatever repairs were required to be done to manses fell upon the heritors; and the consequence was, that they were allowed sometimes to fall into such a state of dilapidation as to cost double and treble what they would have cost if they had been repaired in proper time. But the question now was, whether it was expedient or in the interest of Scot-

Sir Edward Colebrooke

land to raise an alarm about disestablishment, and to endeavour to maintain stringently a law, which was unjust and uncertain in its operation, and pressed hardly, as he had endeavoured to show. That was an ancient endowment, and he thought the Church of Scotland might stand well in the position of a Church which was doing active duty in the country, and throw herself wholly upon the property of the country. He thought that if it did so, the property of the country would not be unmindful of its duty. He had only one word more to say before he sat down. He thought it was a most fortunate circumstance that this discussion should have come in between the debates on one of the most important questions connected with the Church of Scotland—namely, the question of patronage. He was sorry to have seen by the action of the General Assembly and tone taken up in that quarter, that there was a disposition in any alteration of the law with regard to the management, to narrow the constituency of those who would have a share in its management. He thought that, holding the views they did on this subject, there was an inconsistency in their conduct, and that in the interest of the Church of Scotland they ought to take a larger and more liberal view of their position on this and other matters tending to the security and welfare of that Church.

SIR WILLIAM CUNINGHAME said, he should hardly have ventured to take any part in the debate but for the picture which had been drawn by the hon. Member for the Orkneys (Mr. Laing) of the small proprietors in the parish of Arran, who, he said, might be compelled to pay an assessment for the repair or building of a church which might amount to a half, or even a larger part of the annual value of their property. But it should be remembered that at the time these properties were acquired by them, either by purchase or by succession, they were fully aware that the charge was borne by the property, and he could not himself see that there was anything unjust in calling upon them to discharge an obligation into which they entered when they became possessed of their property. With regard to the Bill, there was one point connected with it which afforded cause for satisfaction, and he had hardly expected that the hon. Member for Edin-

burgh would have taken so just and liberal a view of the question. The hon. Member proposed to relieve landed proprietors, great and small, of a large charge upon their properties, without requiring them to convey the value to the State, for the purpose of being applied to the support, perhaps, of lunatic asylums. He trusted that when the fatal day of disestablishment with which they were threatened arrived, that principle would be remembered, and that the teinds would be handed over to the proprietors, to be applied in aid of such purposes as they might choose to apply them. He trusted that the principle would be considered as established for Scotland, in spite of the unfortunate precedent afforded by the case of Ireland. Should it so occur, he had no doubt himself that in the majority of instances, the teinds would be handed back to the Church for the support of public worship in the country. He had listened with a great deal of profit and admiration to the eloquent speech of his hon. and gallant Friend the Member for South Ayrshire in introducing the Amendment; but he should have been glad if, instead of proposing an Amendment of that description, his hon. and gallant Friend had moved a direct negative to the second reading; because he felt that the Amendment was liable to produce a certain discordance in the opinions of hon. Members who might be disposed to vote a direct negative to the Bill. He would suggest that the Amendment should be withdrawn, in order that the Bill might be dealt with by a direct Aye or No. The merits and demerits of the measure had been so thoroughly canvassed already, that he only desired to repeat that in his opinion it was neither unfair nor unjust to expect proprietors, whether large or small, or feuars, to fulfil the obligations which they undertook when they came into possession of their properties.

MR. ANDERSON said, that judging by a paper which he had received that morning, it might be supposed that that was a great party question. If it was intended to be made a great party question, then hon. Members on the other side must for once consent to receive him as a convert, because on that occasion he disagreed entirely with the hon. Member for Edinburgh. He altogether agreed with the Amendment so ably

proposed to the House by the hon. and gallant Member for South Ayrshire, and he could not forbear from complimenting him on the great industry which he had displayed in getting up the very interesting statistics which he gave to the House on the subject, and which certainly went far to show that if there were any grievance at all, it was but a very small one. His (Mr. Anderson's) reason for disagreeing with the hon. Member for Edinburgh was, that he had been unable to satisfy himself that that was in any degree a tax resembling the obnoxious tax called church rate in England and Ireland. The tax in the two last countries was, as he understood, entirely a personal tax; that so-called tax in Scotland was in reality a burden upon land, which proprietors had inherited subject to it, and it was of a permanent character. On the point, what had struck him as most remarkable was, that he was quite sure if it came ever to disestablishment and disendowment, the hon. Member for Edinburgh would be the last man in the House to propose to hand over the teinds to the landed proprietors who had been hitherto accustomed to pay them, for, judging from precedents, when they were discussing the question of school rates, the hon. Member was decidedly against handing them over to the proprietors. Again, one of his (Mr. Anderson's) hon. Colleagues, whose name was on the back of the Bill, said he would not hand the money over to the proprietors; but, if so, why did he support the Bill, when that was its principle. That Bill, which had for its principle to hand over all this property to the landowners, though they did not ask for it, he was at a loss altogether to understand. Nor could he understand that the burden was so uncertain in its character that it could not be valued. Several hon. Members had proposed a system of commutation, founded on average of years, and a number of parishes, and he had no doubt that if the matter were put into the hands of any actuary, he would be able to arrive at a proper solution in that direction. He altogether opposed the Bill as being calculated to commit a great injustice, and ultimately to lead to the disestablishment of the Church of Scotland, and he should therefore support the Amendment of the hon. and gallant Member.

Mr. Anderson

GENERAL SIR GEORGE BALFOUR said, that he should vote for the Bill, and begged to thank the hon. Member for Edinburgh for having brought forward a measure, the object of which was to give freedom where it was at present wanting—to those who did not belong to the Church of Scotland. He recognized the great services which that Church had performed in times past for the good of the country at large, particularly in the matter of education; and as to the dissensions which had broken it up and impaired its usefulness, he acknowledged that they were due, not to the action of the Church itself, but to measures passed by an arbitrary Government. But they must now take the various Presbyterian Bodies as they found them, and it was high time to put an end to the existing strifes by giving relief where it was needed. With regard to the matter now under discussion, the pecuniary interests involved were so insignificant, that he believed the difficulty would be settled by a voluntary arrangement of the Church of Scotland itself, if only it had an opportunity afforded to free those who had separated from the Established Church, from the legal necessity of contributing to support a Church to which they no longer belonged. As to teinds, about which the hon. and gallant Member for South Ayrshire had had a great deal to say, and had said it well, it would, no doubt, soon become necessary to inquire into the nature of their origin. It seemed to him (Sir George Balfour) that their original object had been to maintain the Church, to promote education, and to assist the poor, and that they had been intended to benefit the people of Scotland at large. The manner in which they had latterly been appropriated was, however, not at all in accordance with the original purpose. Instead of being used for the public advantage, the teinds had unfortunately been taken possession of by landed proprietors and men in powerful positions, and used by them for their private purposes. The least he hoped for or expected, was an assurance from the Government that they would make an effort to arrive at an amicable solution of the question.

MR. M'LAGAN said, he had on former occasions, when that Bill was before Parliament, voted for it, with the reservation that he did not wish to relieve the

land from the burden, but only to exempt feuars from a tax which, as applied to them was of very recent origin. It had been maintained that a heritor was equivalent to a feuar, and a feuar to a heritor, and on that point, he confessed, he had some difficulty; but it seemed to him that a solution of the difficulty was afforded by the speeches they had heard from the hon. Member for Edinburgh and the hon. and gallant Member for South Ayrshire. The feuars began to be taxed at a time when a large proportion of them had ceased to belong to the Church of Scotland, and it was no wonder that they felt it to be a great grievance and injustice to be called upon to pay that church rate, at a time when they had been spending large sums of money to build mansees and churches of their own. In the parish to which he belonged, it had been the general wish of the heritors to bear the whole burden themselves; but one of their number unfortunately insisted that the feuars also should be assessed for the purpose, and as a resolution had to be passed in accordance with the demand, much heart-burning and much litigation ensued. The result was, that the heritors who had desired in the first instance that the feuars should not be called upon to pay, took the burden of the latter upon themselves, and paid their share. Pretty much the same thing had occurred in another parish with which he was acquainted. Those feuars were very differently situated from the old heritors. The hon. and gallant Member for South Ayrshire was in favour of putting the burden on the latter class, and declared that they were willing to bear it, and that being the case, they might congratulate themselves on seeing daylight through the difficulty. The hon. and gallant Member had pressed the Government to undertake the settlement of the question at some future time; but that was most indefinite, and it was to be hoped that Government would promise to take action in the matter next Session, and if they did so, he had no doubt the hon. Member for Edinburgh would withdraw the Bill. In any case, he hoped the question would be satisfactorily disposed of next Session.

THE LORD ADVOCATE: I have no reason whatever to complain of the way in which the discussion on this subject has been conducted. The question is a

most difficult one, and it is, I believe, for the interest of the Church of Scotland itself, that there should be a satisfactory settlement of it. I therefore have the satisfaction of saying that it shall be my endeavour to bring in next Session such a Bill as will meet, if possible, the difficulties which have been stated in the course of this discussion. I wish it to be distinctly understood, however, that I do not agree in the view that the system of assessments for building churches and mansees in Scotland can be regarded as similar to the system which has existed with regard to church rates in England. In the former case, the rate is a burden upon the land, and it seems to me that, in the interest of the Church itself, that burden should be imposed in the least oppressive manner possible. In that view there are, undoubtedly, persons, such as Dissenting clergymen and others whom we should wish to see relieved from the charge. I do not know that I need address the House farther at present. I undertake to introduce next Session a measure which will, at all events, meet some of the difficulties. If it does not give complete satisfaction, I hope it will at least approach that result. Under the circumstances, I trust my hon. and gallant Friend, to whose industry and information we are so much indebted, will not press his Resolution, and that the hon. Member for Edinburgh will withdraw a Bill which in any case could not usefully be proceeded with during the short period that remains of the present Session.

MR. M'LAREN, in reply, said, it had been argued that English church rates were voluntary. They might be voluntary in one sense, but they were not in another. For instance—if there were 200 people assembled at a meeting for laying on a church rate, and 101 voted in favour of the rate, and 99 against it, that could not be a voluntary rate as regarded the 99. He did not doubt the law which had been laid down by his opponent; but he denied that it was either equitable or just, and he believed that its operation was productive of more harm than good to the interests of the Church of Scotland. Everyone who had travelled in Scotland must have noticed that the great majority of the churches were more like barns than places of worship—so little money was laid out

upon them. It was his firm belief that if this law were abolished, and the heritors and other parishioners were left to erect their own churches without any compulsory law, many of these barns would be pulled down, and handsome churches erected. After the candid statement of the Lord Advocate that he would bring in a Bill—and he knew he did not make promises without intending to fulfil them—he should be quite content to leave the matter in the hands of the Government, because he admitted that it was a question which ought to be dealt with by Government rather than a private Member.

COLONEL ALEXANDER said, he would, with the leave of the House, also withdraw the Amendment.

Amendment and Motion, by leave, *withdrawn*:—Bill *withdrawn*.

CRIMINAL LAW AMENDMENT ACT

(1871) REPEAL BILL. [BILL 41.]

(*Mr. Mundella, Mr. Eustace Smith, Mr. Macdonald, Mr. Burt, Mr. Carter, Mr. Morley.*)

SECOND READING.

MR. MUNDELLA, in moving, that the order for the Second Reading of the Bill be read and discharged, said, that at that late period of the Session, he could not hope to carry the measure, or even obtain a satisfactory discussion upon its principles. He would therefore withdraw it, in the hope that the Government, in accordance with the promise of the right hon. Gentleman the Secretary of State, endorsed by the Prime Minister, next Session would introduce a Bill dealing with the subject, seeing that the Royal Commission which had been appointed to consider the subject had not, as the Government had led the House to expect, reported in time to legislate on the question this Session. He also hoped the Home Secretary would give them an assurance that he would bring in a Suspensory Bill, dealing with that and the Master and Servant Act, for the matter was regarded with great interest by the working classes. He would conclude by moving the withdrawal of the Bill.

Motion made, and Question proposed, "That the Order for the Second Reading of the Bill be read and discharged."—(*Mr. Mundella.*)

MR. KINNAIRD expressed his disappointment that no legislation had

Mr. M'Laren

taken place on the subject. He could bear testimony to the great interest which the constituencies, particularly his own, took in the measure. He also hoped some suspensory measure on the subject would be introduced by the Government.

MR. MONCKTON, who had given Notice of an Amendment on the second reading of this Bill, for its rejection, hoped it would not be supposed that there was any apathy in the House upon this subject. This was not a matter for class legislation, and no measure for the alteration of the criminal law without giving adequate protection to the workman engaged by an employer would give satisfaction. He therefore hoped no suspensory legislation on the subject would be introduced.

MR. ASSHETON CROSS said, he could assure the House that, on his part there had been no delay in the matter. It was the very first question he had considered when the present Government was formed, and it was a subject with which he was well acquainted as Chairman of quarter sessions in a district where industry was carried on probably to as large an extent as in any other part of the Kingdom. The question had stirred very deeply the minds of those not only employed in labour, but of those employing labour, and both employers and employed were equally anxious that the question should be settled. He would remind the House, however, that they should not touch the question unless they had sufficient information at their command to enable them to come to a final settlement of it, and therefore he had advised the Government that a Royal Commission should be issued, and it was issued as mentioned in the Queen's Speech. At that time it was fully believed that the Commission would have reported in ample time to legislate on the question during the present Session. He had made inquiries, however, on the matter, and was told that that was not likely to be the case. But he was also told that there was not the least doubt that the Report would be in the hands of the Government early in the Recess, and the moment it was in their hands he would promise the House it would receive the most anxious consideration. In any case, the Report would be laid on the Table at the earliest moment next Session, and such a measure would be

brought forward as they thought best fitted to meet the ends they had in view. He would add only one observation—that, while everyone wished to preserve the utmost freedom of action to those who thought it right to act together in order to raise their wages, or regulate the terms of their employment, there should be the greatest freedom for those who employed labour to act together as well as to the men. There was another class which must also be considered in the settlement—those masters who refused to join any association of masters; and there was another object quite as important as any, if not more important—namely, that absolute freedom should be given to individual workmen either to join associations, or not to join associations if they did not think it right to do so. That was the problem they had to solve, and it would receive the most anxious and immediate attention of the Government.

MR. DODSON thought that there would be great disappointment throughout the country when it was found that no action would be taken in the matter that year, as it had been understood that this Session would not be lost, and that some legislation would take place. He would earnestly appeal to the right hon. Gentleman to use his influence, and endeavour, if possible, that the Report should be in the hands of hon. Members before the end of the Session so that they might have the opportunity of considering it during the Recess.

MR. ASSHETON CROSS said, he would certainly place himself in communication with the Secretary and Chairman of the Commission, and if it was possible that the Report could be in the hands of hon. Members before the end of the Session nothing would give him greater pleasure.

MR. MUNDELLA said, he would remind the right hon. Gentleman that he had said nothing in answer to his (Mr. Mundella's) suggestion as to bringing in a suspensory law.

Question put, and agreed to.

Order discharged; Bill withdrawn.

MERSEY CHANNEL BILL.

On Motion of Mr. RATHBONE, Bill to make Regulations for preventing Collisions in the sea channels leading to the River Mersey, ordered to be brought in by Mr. RATHBONE, Viscount SANDON, and Mr. TORR.

Bill presented, and read the first time. [Bill 199.]

INTERNATIONAL COPYRIGHT BILL.

On Motion of Mr. BOURKE, Bill to amend the Law relating to International Copyright, ordered to be brought in by Mr. BOURKE, Mr. ATTORNEY GENERAL, and Sir CHARLES ADDERLEY.

Bill presented, and read the first time. [Bill 197.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 9th July, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Vaccination Act, 1871, Amendment* (161); Hosiery Manufacture (Wages)* (163). *Second Reading*—Factories (Health of Women, &c.) (143); Personation (138); Civil Bill Courts (Ireland) (146). *Committee*—Building Societies* (127-164). *Third Reading*—Leases and Sales of Settled Estates* (93); Bills of Sale Amendment* (152); Elementary Education Provisional Order Confirmation* (153), and passed.

FACTORIES (HEALTH OF WOMEN, &c.)

BILL—(No. 143.)

(The Lord Steward.)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL BEAUCHAMP, in moving that the Bill be now read the second time, said, it was scarcely possible to exaggerate the importance of the measure. The title of the Bill described it as "an Act to make better provision for improving the health of women, young persons, and children employed in manufactures, and the education of such children, and otherwise to improve the Factory Acts." The manufactures to which the Bill related were textile manufactures—woollen, worsted, silk, flax, and cotton—and the Bill was not confined to England, but would apply to the whole of the United Kingdom. There could be no doubt of the importance of the subject seeing that in the manufacture of cotton alone no less than 450,000 persons were employed; and it was too late to ask now whether this was a subject on which Parliament ought to interfere between employers and the employed, because the course of legislation for the last century disposed of any objection which might be raised

against such interference. During the last 40 years, Parliament had interfered in that way more actively than ever; and no one could deny that the Acts relating to factories had worked most beneficially—they had done immense good to the working people, and they had been very beneficial to the employers themselves. He need not go through the various measures that had been passed during the last 40 years. This Bill was intended to give the finishing touch to that legislation. He hoped it would be accepted as a final settlement of all the questions now at issue in various branches of trade in reference to the regulation of the hours of factory labour, and would crown all that had been done before. It was gratifying to know that our previous legislation in the same direction had been watched with great interest by foreign nations, and that steps had been taken by some of them to adopt it in their own factories. It might be asked, why, if your past legislation had proved so satisfactory, should you now propose another Act of Parliament? The answer was that the increased trade and the improvement in machinery had very much increased the strain on the minds of the workpeople. Formerly, a woman attended to one loom—it was quite common to find a woman attending to four looms now. The consequence was that provisions respecting the hours of labour for women, young persons, and children which in other days were found sufficient were so no longer:—notwithstanding the regulations now in force, women and children suffered severely in health from that strain during so many continuous hours of labour. This Bill would not only diminish the number of hours in each week during which women and children might be employed, and so extend the time in which the latter might receive education, but it would break the continuity of their labour—a very desirable object in the case of work involving a mental strain. In the present Session, a Bill was introduced by an independent Member, but it made demands which did not meet with general acceptance: but in the course of a debate on that Bill the Secretary of State for the Home Department made a speech and sketched a measure which met with so much favour from the House of Commons and from both employers and the em-

Earl Beauchamp

ployed, that the right hon. Gentleman brought in the present Bill, which encountered but very little opposition. It was not conceived in the interest of either one side or the other on the labour question, but proceeded on the principle that as women and children could not protect themselves it was the province of the Legislature to interfere for their protection without any undue interference with trade and commerce. The first part of the Act dealt with the time during which women and children were now employed in factories which was from 6 in the morning till 6 in the evening, with a variation in winter. By this Bill, the total number of hours during which women, young persons, and children might be employed in factories was 56½ in each week. A child, young person, or woman was not to be employed continuously for more than four hours and a half without an interval of at least half-an-hour for a meal. Between the hours of commencing work and that of leaving off for the day there were two hours to be allowed for meals on every day except Saturday; so that whether the working hours were from 6 to 6, or from 7 to 7, when the two hours for meal time were deducted, the hours of actual labour could not exceed 10. Then, as to Saturday, if the hours of work were between 6 and 6, and ordinarily if not less than one hour was allowed for meals on that day, no child, young person, or woman was to be employed in any manufacturing process after 1 in the afternoon or for any purpose whatever, after half-past 1. If less than one hour was allowed for meals, no child, young person, or woman was to be employed in any manufacturing process after half-an-hour after noon, or for any purpose after 1 in the afternoon. Where the ordinary hours of work were from 7 to 7 the time for leaving off on Saturday afternoon would be proportionately later. In Clause 6, there was a provision for the employment of children in alternate sets, so that they might be employed either in the morning or in the afternoon set every day, or for the whole day on alternate days; and it was required that every child employed in a factory should attend school in manner directed by Sec. 31 of the Factory Act. It was provided that the hours of meals should be simultaneous, and employment of these persons during meal times was forbidden. The second

part of the Bill contained provisions as to the age of children to be employed in factories. It extended the age up to which a person should be deemed a "child," and not a "young person" to 14; and forbade the employment of any child under 9 years of age during the year 1875, and after that under 10 years. Clause 14 contained a particularly important provision, one bringing within the operation of the Bill, children employed in silk works. If there had been reasons for excepting those children from the Factory Acts, those reasons had passed away. In moving their Lordships to give their assent to this measure, he could not but remind them that they had amongst them one whose name was inseparably connected with factory legislation. In conclusion, he would express his hope that their Lordships would give a willing consent to this Bill which was, he believed, calculated to conduce to the health and prosperity of the work-people engaged in one of the most important branches of our national industry.

Moved, "That the Bill be now read 2^d."
—(*The Lord Steward.*)

THE EARL OF SHAFTESBURY: * My Lords, as this may be the last opportunity, certainly the last to me, at my time of life, on which the factory question may be discussed in this House, your Lordships will, I am sure, excuse me if I venture to make a few observations on the Bill now before us, and on the past history of this great remedial measure. The noble Earl who moved the second reading of this Bill, called your Lordships' attention to the magnitude of the question. I trembled at the moment, for I thought that he was going back to establish principles, long since admitted, hesitating to take for granted conclusions now, I may say, of ancient date. The question, my Lords, is no longer one of principle; it is one simply of degree. My noble Friend has also well shown the necessity for further restriction by stating the present character of the work, the vastly increased velocity of the machines, and, in consequence, the demand for attention, we may say almost threefold, and a corresponding wear and tear of the strength and the nervous system of those engaged in it. No five or ten consecutive minutes of the labour can be considered severe;

but when that labour is prolonged, the very continuity becomes oppressive. To stick pins in a pincushion is no hard toil, but were any of your Lordships compelled to do so, at the rate, perhaps, of 500 a minute, and to do it, moreover, accurately and well, a little relaxation would speedily be called for.

Now first, I presume to thank Her Majesty's Government for the bold and manly way in which they have come forward, and, stepping between the combatants, have settled a dispute which might have become serious. They have exhibited both sympathy and impartiality, and have, I verily believe, laid the question at rest for some 15 or 20 years. Legislation did so in 1850, and why should it not in 1874? Former Ministers have treated it as a Government affair. The principle of interference was first made effective in 1833, when Lord Althorp, then Leader of the House of Commons, having taking my Bill into his own hands, put a limit to the labour of children under nine years of age, and then laid down the rule of Factory Inspection. Next, in 1844, Sir James Graham introduced an amending Bill, which, for the first time, gave protection to women of all ages; and in 1850, Sir George Grey, the Home Secretary of State, introduced the long-desired and invaluable provision that the work of the textile fabrics should be taken between six in the morning and six in the evening. But it has been reserved to the present Government to give a reduction of the number of hours, and we find ourselves at last, after 41 years of exertion, in possession of what we prayed for at the first—a Ten Hours' Bill. The measure was, in this and the last Session, presented to the House of Commons by the hon. Member for Sheffield (Mr. Mundella), who urged it with great vigour and ability. The operatives will be deeply grateful to him—I am sure I am so myself—for the ready and disinterested way in which he surrendered his own opinions for the good of the cause, and gave up his Bill into the hands of the Minister. Being in a vein of thanking, I must not omit to mention how much gratitude is due to the vast majority of the employers, great and small, who have so generously co-operated in this work. It was not so formerly. When I began this cause in 1833, the opposition was hot, I may say,

fiere. I numbered on my side but two mill-owners, John Wood and John Fielden, inestimable men. It is now the reverse; perhaps not more than two are against us; and I remember perfectly well that when, after the attainment of the principal objects of the factory movement, I went round from mill to mill, to see the several proprietors and thanked them for their concessions, one of the greatest of them received me in his counting-house, took me by both hands, and said—"I was long your most determined opponent, but you have carried the day, and now never part with a hair's-breadth of what you have gained. It will do no harm to us, and it will do great good to the people." And such have been ever since their sentiments and their action. Now, for the first time in its history, the measure is presented to Parliament as one for health and education of women and children. Hitherto it has been entitled one for the regulation of labour. The title is an improvement, for it explains in few words the scope and purpose.

My Lords, it is very remarkable how little we have heard of the political economy aspect of the question. In the late debates in the House of Commons, an assembly abounding in wealthy and enlightened mill-owners, it was, I think, left out altogether; and, indeed, whatever was urged last year in that view of the matter was urged on the point of a fall to 54 hours from 60 hours a-week, not on a 56 hours' limitation. The tremendous arguments which formerly alarmed and baffled every one, the arguments of foreign competition, loss of trade, reduced wages, and universal distress, had been answered by increased production, equal profits, higher wages, and universal prosperity. They ceased in 1850, at the last settlement of this dispute, to have any force; and those who pressed them partially in 1873, did so more from tradition than present necessity. But allow me to give a *quietus* to such alarms, should any exist, by quoting the statements of two very eminent occupiers of mill property—Mr. Hugh Mason, of Ashton-under-Lyne, and Mr. Lister, of Bradford. Mr. Mason, who is a very considerable gentleman, writes in a letter to *The Times* of the 8th of June as follows—

"In conclusion, allow me to say that I have not a particle of fear of ruin to our cotton trade

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by the adoption of 56 hours a-week. I think it is idle to talk about foreign competition, so long as the kingdoms of Europe are divided into half-a-dozen vast camps of soldiers, and the claims of commerce are subordinated to the strife for military glory. Not one of the great powers of Europe could hold its own for a year in cotton manufacture apart from the high protective duties which prevent the entrance of British goods. Some day, perhaps two centuries hence, our descendants may have to face the competition of their cousins in America, when the vast and fertile valley of the Mississippi has become settled with 200,000,000 or 300,000,000 of people, and when their cotton, corn, and wheat have ceased to be profitable articles of export."

This is, I think, sufficient to satisfy the most timid. Now for the second—

"At a meeting of the Bradford Chamber of Commerce, held in June last, called for the special purpose of considering the Government Bill now before Parliament, Mr. S. C. Lister, undoubtedly the largest silk manufacturer in the world—"

This gentleman's testimony is specially important on this point, for children in silk-mills have hitherto been but half protected, and have suffered great hardships. To proceed, Mr. Lister said—

"He certainly thought that the Bill was called for. A short time ago he did not think so, but when he read the Report of the Inspectors, he could not help thinking that a large amount of injury was caused to children by the present long hours. The operatives had shown the necessity for shorter hours, and the mill-owners had certainly not shown that such shorter hours could not be safely adopted. As a large employer of labour, and as having to meet competition from all parts of the Continent, he said unhesitatingly that the measure was a wise one, although it was a compromise, and he hoped that as such it would settle the matter for many years to come. He moved that the Chamber approve the principle of the Bill, and petition Parliament in its favour. A resolution in favour of the Bill was unanimously adopted."

No necessity, it is clear, exists for additional testimony on this point. But the main resistance, though made by very few people, has been against the protection afforded to adult women. This question is as easily disposed of as the other. We know, my Lords, that the opponents, both in writing and speaking, have treated this protection as something new. New! Why, it was affirmed first in 1844, and has been confirmed by many succeeding Acts of Parliament. To effect their purpose, then, they must retrograde for 30 years. But before they take that step, let them be asked, and let them give an answer—"Has anything but good come out of

that protection? Name an instance, if you can; you have had time enough for experience." Consider, too, the reasons why women were first included. The evidence is abundant and terrible. I will adduce but two witnesses. Sir James Graham, the stoutest opponent I ever had, though he afterwards relented, and expressed it in the most generous manner, declared when Home Secretary, in 1844, that women of all ages—so dreadful was their condition in the mills—must be protected by law. Mr. Cobden, talking of the print works, said the same. "I object," he said to me, "to all legislation of this kind, but I cannot resist the fearful evidence of the sufferings to which the women are exposed;" and so satisfied was he that married women, at least, were not free agents, that he assented to a clause in the Bill which provided that "any husband conniving at the employment of his wife in night work should be subject to a heavy penalty." Here was a bold and open declaration, made with his sanction, in an Act of Parliament!

But we are told that the women do not desire the protection. I maintain that they do. But, whether they desire it or not, the State has a deep interest and a right of interference to secure the health of their offspring. It is, however, the very reverse. I would undertake to go from town to town in Lancashire and Yorkshire, and carry in every town the overwhelming majority of female suffrages in behalf of the Bill. That some women may have petitioned against it I can well believe. I could tell, in my long experience of those counties, ugly stories about mothers who would have sold their children for a pair of shoes. But such as they are very few; and the only vigorous and open opponents of the measure are the ladies of various associations, who in watching the progress of contagious disease—I quote their own words—declare that protection will lead to exclusion from the mills, exclusion to prostitution, and prostitution to disease. To these ladies I reply—"Produce your facts; 30 years are sufficient for experience; sustain your assertions, or accept the answer of contempt and indignation from every female of the working classes throughout England, and the more so as the Returns of the police, received this morning, show a decrease of 23 per cent in the immora-

lity of factory women." My Lords, the medical evidence is complete; and it will appear to be so to any of your Lordships who have time to study it. To say, as has been said, that there are divers statements from local practitioners, is no argument to those who are acquainted with the factory districts and the influence there exercised. Two physicians of eminence were employed to make the inquiry, collect the evidence, and decide on its value. Having weighed it minutely, their decision is that every consideration of health demands this measure.

Now, if your Lordships will permit me, I will in a very hurried manner just run over the successive periods of legislation. The evil had become so shocking, that in 1802, Sir Robert Peel, the father of the Minister, having retired, or being on the point of retiring from business, introduced a Bill for the better treatment of pauper children who were sent down by canal in boat loads from London, and immediately lost sight of. Language would fail to describe their horrible sufferings; but their lives were shortened, and they died off rapidly. The Act was useless. Again, in 1815, an attempt was made, and with no greater effect. In 1819, Sir John Hobhouse carried a Bill which limited the labour of all under 18 years of age—children of tender years enjoying no greater protection—to 69 hours in the week. This produced no alleviation, all failing in great measure through want of an established system of Inspectors. The question was taken up in 1831 by Mr. Sadler and Mr. Oastler—marvellous men in their generation, and without whose preceding labours nothing could have been effected, at least by myself. Mr. Sadler lost his seat in 1832, and in 1833 the Bill passed into my hands. The first measure was enacted in 1833. Then followed Bills of various kinds in 1844 and 1847, and 1850, and now the Bill before your Lordships' House. The noble Lord (Lord Aberdare) has called my attention to the Act of 1854, passed when Lord Palmerston was Home Secretary. It was a most valuable Act. I did not mention it, because it was not one that imposed any reduction of hours. It simply brought children of tender years within the protection of the 6 to 6 period of work, and saved them from remaining oftentimes from 15 or 16

consecutive hours on the mill premises.

My Lords, the death, recently announced, of a distinguished Member of this House (Lord Dalhousie), recalls an events which I must pray liberty to mention, because it is, I venture to assert, so highly to his honour. In 1840, having been oftentimes rebuked that I was exclusive in my attention to the textile fabrics, omitting other trades that equally required protection, I had often replied—"Give me time; I cannot do everything at once." In that year, having comparatively a little leisure, I determined to move for a Commission to inquire into the state of all the children and young persons unprotected by the Factory Acts. Lord Dalhousie, then Mr. Fox Maule, was Under Secretary of State. He approved the Commission, but considered it necessary that a statement, and a full statement, should be made on which to found it. I could not obtain a day before the 4th of August; and on that day, with nobody in the House but the Speaker, Mr. Fox Maule, Mr. Ewart, and myself, the speech was made, and the result of it was the Commission out of which arose the Collieries Bill, and then the second Commission of 1862, which I obtained from Sir George Cornwall Lewis. Hence the Acts of 1864 and 1867—so that, beginning when Lord Aberdare was Secretary of State, the protective Acts on the Statute Book now cover a population of nearly 2,500,000 persons. I hold that the memory of these Gentlemen—for either of them could have extinguished me by a "count out"—should be kept in grateful remembrance.

My Lords, though I once heard Mr. Canning say, in answer to an argument from statistics—"Nothing is so fallacious as figures, except facts," I cannot resist the production of a short statement to show how the trade has thriven under the protection of labour. I speak of the textile fabrics. In 1835, the number of children under 13, male and female, was 56,455; in 1871, 80,498; male young persons between 13 and 18, in 1835, 44,573; females between 13 and 18, in 1835, 167,696; but in 1871 the same classes were—males, 78,118; females, 496,267—mark, my Lords, the vast increase of female labour—and of all ages and both sexes in 1835, 354,684; ditto, in 1871, 880,920. Now,

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of the children and young persons in 1835, I will venture to affirm that seven-tenths could neither read nor write. In 1874, I am satisfied that seven-tenths have had a tolerable, if not a sufficient, education. As to produce in cotton goods—I will leave out all the rest of the textile fabrics—I will speak only of cotton. I confess when the figures were put before me, I was too much amazed to believe them; I went over them backwards and forwards, fancying that I must be wrong in enumeration. But here they are! We exported in the year 1850 of yards of cotton in piece goods, 1,358,182,941; but, will you believe it, my Lord? in 1870, 3,266,998,366 yards. How often were we told—"You will extinguish the trade; manufactures will cease; England will become a fifth-rate commercial power, and there will be an end of you!" I ever had a deep and immovable conviction that all would be well. The rule that what is morally wrong cannot be politically right, was a guide, and the issue has been prosperous.

I have no statistics to show the abatement of disease and mortality among the workers. It is still far more than it ought to be; but in comparison with the past we have much to rejoice at. Well can I recollect in the earlier periods of this movement, waiting at the factory gates to see the children come out—and a set of sad, dejected, cadaverous creatures they were. Then one asked—Can any of them reach their homes alive? But now it is far different; and you may perceive them rushing forth full of health, elasticity, and joy. In Bradford especially, the proofs of long and cruel toil were most remarkable. The cripples and distorted forms might be numbered by hundreds, perhaps by thousands. A friend of mine collected a vast number together for me; the sight was piteous, the deformities incredible. They seemed to me, such were their crooked shapes, like a mass of living alphabets. All that has passed way. When I was last at Bradford there was, it was believed, not a crippled child to be found in the town. And so, also, with mill accidents. In earlier days the cases of death were frequent, and so were terrible mutilations. In one of the great towns, and, doubtless, it was so in many, the chief surgeon deposed that he had oftentimes at the hospital as many as

six serious cases in the course of a single week. The Inspectors tell me that accidents have diminished at least one half, reaching, however, at present, some 2,000 or 3,000 a-year of all cases. But I anticipate very great improvement from the care of the workers and from the liberality of the employers in the more extensive sheathing of the machinery. Nor must I omit the modern construction of many of the mills and places of work. They are vast public workshops, built at enormous cost, and with every regard to health and comfort. No part of the conduct of the employers towards their people is more striking than this, and no one who remembers the pestilential and deadly dens of former days, though there are still too many of them, can hesitate to admit what untold benefits have thus arisen to the labouring population.

One more instance, and I have done. Your Lordships will recollect the period of the Cotton Famine in Manchester and elsewhere, the stoppage of the mills, the thousands thrown out of employment, with misery, starvation, and death staring them in the face. Yet, with one or two trifling exceptions, and those only momentary, all in these districts were under order and in peace. Such a spectacle was, perhaps, never seen before in any free country whatever. It would not have been so in former times. On the first symptom of difficulty, the Government of those days would have sent down whole companies of infantry, troops of cavalry, and parks of artillery. But it was not so in the cotton famine; hardly a constable was added to the force; and do you ask why? Why, because the ruling powers had in various ways, and specially in this, respected the rights of the working people; shown them sympathy; had done for them all that law could do, and so had taught them to regard these visitations, not as the work of man, but as the dispensations of Providence. Here were great lessons, lessons to be read by every statesman, by every one of influence or authority; lessons of wisdom, lessons of truth, lessons of consolation; for they showed the responsive sympathy in the hearts of the people, and that justice and respect are seldom thrown away. It was, too, the fulfilment of a promise often made during the career of factory agitation. "Give us our rights,"

said they to me, "and you will never again see violence, insurrection, and disloyalty in these counties." And so it has turned out. My Lords, there are few now remaining who can compare the present with the past. I am one of the few; and I am bold enough to say that the existing generation, in its physical, moral, and political character, seems to have sprung from a higher race of men.

My Lords, humanly speaking, there seems to be no fear for the prosperity of our textile fabrics. Our capitalists are wealthy, liberal, active, and intelligent; the people are full of life and energy; and, happen what may, employers and employed always seem to rise above the level of those around them. There are, no doubt, internal dangers; and what dangers are so great as the extensive and systematic adulteration of goods by size, China-clay, and now, I hear, by wax? It is the exception we know, not the rule. But it has gone far enough to weaken confidence. The Bengal Chamber of Commerce has protested against it; and the Natives of India, our best customers, have begun, in consequence, to erect mills of their own. A native gentleman assured me so the other day; and I see, by the latest statistical Returns, that in Bombay alone they have 404,000 spinning spindles. Only let all of us return to the principle and practice of the day when the Manchester mark on a bale of goods made it to pass as current coin, and then all possibility of rivalry will be at an end for ever. It has been said, too, my Lords, that, after all, the whole of this great benefit would have been effected without legislation. Possibly it might have been so; but, as legislation has done the work, let legislation for the present have all the glory. By legislation you have removed manifold and oppressive obstacles that stood in the way of the working man's comfort, progress, and honour. By legislation you have ordained justice, and exhibited sympathy with the best interests of the labourers, the surest and happiest mode of all government. By legislation you have given to the working classes the full power to exercise, for themselves and for the public welfare, all the physical and moral energies that God has bestowed on them; and by legislation you have given them means to assert and maintain their rights; and it will be their own fault, not yours, my

Lords, if they do not, with these abundant and mighty blessings, become a wise and an understanding people.

LORD ABERDARE said, their Lordships had, he was sure, listened with pleasure and profit to the statesmanlike speech delivered by the noble Earl who had just sat down, but he was sorry that his noble Friend had, however, omitted to allude to the Act of 1864, by which the benefit of the Act with which his name was so intimately associated had been greatly extended. There could be no doubt whatever that the Factory Acts had done very much in adding comfort and contentment to the working classes in the North of England. He would beg to say, in reference to a remark of the noble Earl, that notwithstanding certain factory proprietors had provided buildings affording ample accommodation for their workpeople, in some places the dwellings of the factory hands were far from satisfactory. He desired to call the attention of the public to one point of considerable importance. The Bill proposed—he thought wisely—to extend the period at which a child should not be allowed to work in a factory from eight until first nine and afterwards ten years of age, and to extend the half-time system to children up to the age of 13, unless the children produced a certificate that they possessed a certain amount of education. Now, one of the great complaints under the Factory Acts was that parents, knowing that under the Factory Acts their children would come under the half-time system at eight years of age, contrived to elude the beneficial provisions of the Act by neglecting to send them to school until that age, when they were consequently unable to derive much advantage from the schooling they then received. Now, he feared that under this Bill the temptation to keep children from school would be greater than ever if the children did not come under the operation of the half-time system until 10 years of age, unless some system of compulsory education were adopted by which the attendance of the children at school before that age could be enforced. He should propose to amend the Bill when it got into Committee by moving an Amendment that, as far as England and Scotland were concerned, the attendance of children under the half-time system should be at a school to be approved by the Educa-

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tion authorities. He would observe that they were bound to proceed with the utmost caution when they proposed legislation which restrained labour; but he did not oppose this measure, for the introduction of which satisfactory reasons had been given.

Motion agreed to: Bill read 2^a accordingly, and committed to a Committee of the Whole House on Tuesday next.

PERSONATION BILL. (No. 138.)

(*The Lord Aberdare.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD ABERDARE, in moving that the Bill be now read the second time, said, its object was to render personation with intent fraudulently to deprive any person of real estate or other property, felony, punishable, at the discretion of the Court, with penal servitude for life or for any period not less than five years, or with imprisonment for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Motion agreed to: Bill read 2^a accordingly, and committed to a Committee of the Whole House on Tuesday next.

CIVIL BILL COURTS (IRELAND) BILL.

(*The Lord O'Hagan.*)

(NO. 146.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD O'HAGAN, in moving that the Bill be now read the second time, said, it was to enable the Chairmen of Counties in Ireland to take small partnership accounts, and also to enable them to deal with cases in which questions of title might arise during the hearing of them. At present they had no jurisdiction in such matters; and the result was that poor persons who could not bear the expense of an appeal to a Superior Court of Law or Equity suffered a denial of justice, and sometimes took the law into their own hands and avenged themselves by violence against those for whose wrong-doing they could obtain no legitimate redress. The Bill was only a small instalment of a larger measure which must soon enlarge the powers of the County Courts of Ireland, and give them the equitable jurisdiction which those of

England had long been allowed to exercise with great advantage to the public.

Motion agreed to: Bill read 2^a accordingly, and committed to a Committee of the Whole House on Tuesday next.

THE FIJI ISLANDS.—QUESTION.

VISCOUNT CANTERBURY asked the Secretary of State for the Colonial Department, When he will be prepared to lay on the Table of the House the Report of Commodore Goodenough and Mr. Consul Layard on the various questions connected with the Fiji Islands referred to them for investigation; and whether that Report will be printed and circulated before the announcement by the Secretary of State of the views of Her Majesty's Government with respect to the questions to which the Report referred? It was not his intention on the present occasion to raise any question on the merits of the subject to which his Question referred; he desired merely to obtain the information mentioned in his Questions.

THE EARL OF CARNARVON said, he fully appreciated the noble Viscount's abstinence from discussing this question at present. The Report had reached the Government, but the question was hardly ripe enough for him to produce the Papers in their present state. Still, he hoped to place them before long in the hands of their Lordships, and to lay them on the Table of the other House of Parliament. He would do that as soon as possible, but would take care that, in any case, sufficient time should elapse between their production and any statement Her Majesty's Government might deem it right to make upon them, to allow of their being mastered.

EXECUTION OF CAPITAL SENTENCES.

THE SPANISH GAROTTE.

RESOLUTIONS.

LORD DUNSANY, in calling the attention of the House to the frequent instances of unintended and unnecessary torture inflicted on criminals in the execution of capital sentences through the clumsiness or inexperience of volunteer executioners, and to move—

"(1.) That in the opinion of this House the present system of executing criminals is attended with unequal and needless torture and often leads to revolting and discreditable scenes:

"(2.) That until any preferable method shall

be adopted it is expedient to have recourse to the Spanish garotte as being immediate in its result and always uniform in its operation,"

said, what their Lordships had to do in considering this question was to reflect whether there were sufficient instances to show that the present method of execution was attended with unnecessary and uncertain suffering. He would first refer to the recent execution in Newgate of Frances Stewart for the murder of her daughter's baby. The hangman employed was named Marwood, from one of the Midland Counties. The rope was stated to be thicker and longer than usual, and it slipped round to the back of the neck of the wretched woman, who, it was stated in the newspaper reports, struggled for at least three minutes before life was extinct. When death could be produced in a single second, to prolong a prisoner's agony for 2 minutes 59 seconds additional was superfluous and barbarous. In one well-known hanging case the rope employed was too long, and the convict's head was separated from his body; in another the man's feet touched the ground, and he did not hang at all. In an execution in Ireland not long ago the Irish papers declared that the criminal struggled for 20 minutes. In another case the rope broke, and the prisoner fell to the pavement. He was carried, pinioned as he was, back to the drop, and a messenger was sent into the town to get a new rope. The prisoner cried for mercy, exclaiming—"The first time I stood it like a brick, and I don't think I ought to be hanged again." The Sheriffs, however, had no option, and when the rope was procured the man was suspended a second time. Such scenes were unworthy of a civilized country, and they might at any time occur again. The system was one under which the most unequal suffering was inflicted on different individuals according to the clumsiness or inexperience of the hangman, and the lightness or weight of body of the culprit. He remembered a criminal named Tawell, who was hanged many years ago for the murder of a woman at Slough. He was a small and light man, and he struggled so long that the hangman jumped upon his shoulders until he died. Was that a seemly or decorous spectacle? Death by hanging was death by strangulation, and that, to be effectual, required that

the integuments of the windpipe should be crushed. In the case of a muscular pngilist these integuments were not easily broken, and death, if it occurred, would probably be caused by diminishing the supply of blood to the brain, and by causing an apoplectic fit. Life in such cases would sometimes be only suspended; and hence there were well-authenticated cases in which criminals had not only survived the punishment of hanging, but had actually received the Royal pardon. It might be assumed that in a small number of cases the same thing still happened, and that consciousness was merely suspended. They all knew that a very brief period elapsed between the cutting down and the burial. An inquest was immediately held, the surgeon certified the cause of death, and the body was immediately buried within the precincts of the prison. Thus there might be cases like that recently reported from Paris, where a newly-married woman was found to have turned in her coffin and to have bitten her shroud. He had said there were well-authenticated instances of criminals who had survived execution, and he would mention a few. The noble Lord proceeded to cite several cases from *Notes and Queries*. The noble Lord mentioned the case of a woman who had been hanged in Edinburgh in 1724 for child murder, and whose body was given for dissection; but before the dissecting knife was applied it was found she was not dead, and she lived for several years, married, had children, and was always called "Half-hanged Meg." Another well-authenticated case was related in the Rolls of King Henry III. These were cases which required some answer. If they had occurred once they might occur again. In the second Resolution, as he originally placed it on the Paper, he suggested the substitution of the guillotine for the gallows; but the very mention of the guillotine shocked the feelings of many noble Lords, for whom he had great respect, although he could not help thinking that, if any of their Lordships were placed in the unfortunate position of having to make a selection, they would prefer the guillotine. The objection made to the guillotine on the score of shedding blood was a sentimental one, for the authority to take human life was based upon the passage—"Whoso taketh man's blood by man

shall his blood be shed;" and he had now substituted the Spanish garotte for the guillotine. He hoped the Government would, as a duty to humanity, consider whether measures could not be taken to prevent the recurrence of such cases as that of Frances Stewart. He would not move the second of the two Resolutions, recommending the Spanish garotte; and if the Government would take the matter into their own hands, he had no wish to press the first Resolution, which, however, he would conclude by moving.

Moved to resolve, That in the opinion of this House the present system of executing criminals is attended with unequal and needless torture and often leads to revolting and discreditable scenes.—(The Lord Dunsany.)

EARL BEAUCHAMP said, he would not follow the noble Lord through the ghastly stories he had narrated—some of which were rather irrelevant. The quotations from Jeremy Bentham referred to a state of things long past, when executions were conducted in a manner very different from the present practice, and therefore no argument could be drawn from the list of criminals who had recovered after execution. In those days the method of execution was of a bungling character. A cart containing the criminal was drawn under the gallows, and the condemned fell with scarcely any momentum beyond that derived from his own weight. That part of the noble Lord's argument which was derived from such cases was entirely disposed of by the altered circumstances of the present time. He did not quite gather whether the noble Lord contended that persons were killed or were not tortured under the present system. With regard to the recent case of the execution of Frances Stewart, on inquiry at the Home Office he found there was no information on the subject, because the execution of the law rested with the local authorities, and the Government was in no way responsible. He could not but believe that there had been a great deal of exaggeration and sensational writing in the description of executions in the newspapers. The young gentlemen, to whom was generally allotted the duty of reporting what occurred, knew their occupation would soon come to an end unless they could furnish a sensational account, and one

Lord Dunsany

full of thrilling interest; and, therefore, he could not help thinking that if any defect did occur the most was made of it. He did not mean to say that there was not some foundation for the descriptions which had been given; but the truth was an execution was not a matter of such every day occurrence that it was easy to find persons expert in the work. Henry Drummond once said in the House of Commons that the only way to teach a man a trade was to set him to work at it; and the only way in which a man could learn to be an expert hangman was to have sufficient practice. Happily, capital sentences were comparatively few, and hangmen had little chance to qualify themselves; and yet he had reason to know that there was an active competition in that branch of trade—there were plenty of volunteers, but it did not follow that a volunteer was an expert performer; it was a morbid taste which induced men to volunteer, and not their fitness to do the work with accuracy and despatch. Painful incidents might sometimes occur at executions, but the accounts were often tainted with exaggeration. The Government were not prepared to assent to the Resolution of the noble Lord, who himself seemed doubtful as to the best means of inflicting capital punishment. Last week he asked them to express a preference for the guillotine; but an article in the *Encyclopædia Britannica* showed that that instrument was neither immediate in its result nor uniform in its operation, and a similarly adverse conclusion with reference to the garrote would be drawn from the evidence taken by a Committee of that House some years ago, when a witness was examined who gave a description of the process by no means favourable as compared with our system. Under all the circumstances, there were excellent reasons why their Lordships should refrain from passing the Resolution.

LORD DUNSANY made a few observations in reply.

Motion *negatived*.

VACCINATION ACT, 1871, AMENDMENT
BILL [H.L.]

A Bill to explain the Vaccination Act, 1871—
was presented by The Lord WALSHINGHAM;
read 1^a. (No. 161.)

House adjourned at a quarter before
Eight o'clock, 'till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 9th July, 1874.

MINUTES.]—NEW MEMBER SWORN—James Henry Deakin, esquire, for Launceston.
PUBLIC BILLS—Ordered—First Reading—Expiring Laws Continuance * [201].
Second Reading—Public Worship Regulation [176], debate adjourned; International Copyright * [197]; Attorneys and Solicitors * [76].
Select Committee—Apothecaries Licences * [155], Dr. Brady and Mr. Round added.
Committee—Report—Revising Barristers (Payment) * [127]; Conveyancing and Land Transfer (Scotland) (re-comm.) * [166].
Report—Infanticide—[25-200].
Considered as amended—Slaughterhouses, &c. * [150]; Intoxicating Liquors (Ireland) (No. 2) * [191].
Third Reading—Customs (Isle of Man) [178]; Land Drainage Provisional Order [170]; Local Government Board's Provisional Orders Confirmation (No. 3) * [172]; County of Hertford and Liberty of Saint Alban * [190], and passed.
Withdrawn—Municipal Elections (Cumulative Vote) * [113].

NAVY—NAVIGATING DUTIES—ADMIRALTY CIRCULAR.—QUESTION.

MR. HANBURY-TRACY asked the First Lord of the Admiralty, If he will state how many Officers have qualified, or are now qualifying, for navigating duties under the Admiralty Circular of August 1873; whether it is his intention to take any further steps for encouraging Officers to avail themselves of that scheme, and for enlarging the scope of those proposals; and, whether it is his intention to offer any plan of retirement or amalgamation to Staff Commanders and Navigating Lieutenants in view of the gradual abolition of a separate grade of Officers for navigating duties?

MR. HUNT: Sir, the Circular referred to by the hon. Gentleman provides for the appointment in the first instance of five lieutenants under four years' standing, and 20 sub-lieutenants to navigating duties. One lieutenant has qualified, four lieutenants are qualifying; 11 sub-lieutenants have qualified, and nine sub-lieutenants are qualifying, making up the total numbers fixed. The system being only just commenced there is no immediate intention to extend the scope of it. With regard to the last Question, I have to say that representations have been made to me on the part of the navigating officers with reference to their position which I am anxious to

consider with more care than I have at present been able to bestow upon them; and I am therefore not yet in a position to say whether any measures will be taken in the direction indicated by the hon. Member's Question.

CIVIL BILL (IRELAND) ACT—STAMP DUTIES.—QUESTION.

MR. O'CONNOR POWER asked Mr. Attorney General for Ireland, Whether he intends this Session to bring forward a measure to remove certain hardships suffered under the Civil Bill (Ireland) Act, by which Act persons sued to the Petty Sessions Court for a small sum, say five shillings, if the case is settled before trial, have to pay as much stamp duty as if they had been sued in the same Court for a large sum, say forty pounds?

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL), in reply, said, it was not his intention to introduce any measure dealing with that matter.

IRELAND—CASE OF MR. JOHN M'CREA. QUESTION.

MR. O'CONNOR POWER asked Mr. Attorney General for Ireland, If his attention has been called to the Memorial of John M'Crea in respect to the Sessional Crown Solicitor for Tyrone; and, whether that person is continued in that office?

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL), in reply, said, he had not seen the Memorial, but he was acquainted with the circumstances connected with the person referred to, who had been sent to prison under an attachment of the Court of Chancery for not executing a deed. A process of that character was not within the dominion of the interference of the Executive Government or of any person whatever except the Judges of the Court of Chancery.

GOVERNMENT OF INDIA — LEGISLATION.—QUESTION.

MR. FAWCETT asked the Under Secretary of State for India, Whether any measures, and if so what measures, affecting the Government of India have been introduced into Parliament by Secretaries of State for India, without having previously consulted their Coun-

cil; and, whether the Government has decided when the India Councils Bill will be proceeded with?

LORD GEORGE HAMILTON: Sir, it would be impossible for me to mention within the limits of an Answer all the measures affecting the Government of India which have been introduced into Parliament by Secretaries of State without official consultation with their Council; but I will mention the three latest and most important—namely, an Act in 1869 to amend in certain respects the Act for the better Government of India, another Act of the same year to define the powers of the Governor General of India in Council, and lastly, an Act in 1870 to make better provision for making laws and regulations in certain parts of India. The India Councils Bill will stand the Second Order of the Day on Monday next, but will not be proceeded with after 9 o'clock.

MERCHANT SHIPPING ACT—LOSS OF THE "TACNA."—QUESTION.

MR. FORTESCUE HARRISON asked the President of the Board of Trade, Whether he has received the Report of the Naval Court of Inquiry which sat at Valparaiso on the loss of the British steamer "Tacna;" and, if so, whether he will lay it upon the Table of the House?

SIR CHARLES ADDERLEY, in reply, said, that he had received the Report in question, and that it would be laid on the Table.

IRELAND — TRINITY COLLEGE (DUBLIN)—THE QUEEN'S LETTER.

QUESTION.

MR. MITCHELL HENRY asked the Chief Secretary for Ireland, if he will state why the draft of the Queen's Letter empowering certain changes in the constitution of the governing body of Trinity College, and assented to on the 6th June by the Senate, has not been laid upon the Table of the House; and, whether, considering the lateness of the Session, the assent of the Government will be suspended until next Session, so as to give an opportunity of discussing this important question in Parliament?

SIR MICHAEL HICKS-BEACH, in reply, assumed that the Question of the hon. Member referred to the draft charter agreed on by the governing body of Trinity College, Dublin, and which was

Mr. Hunt

submitted to the consideration of the Government at a much later date than that stated in the Question. The delay in its consideration had been occasioned by the necessity in all such cases of referring such applications for the legal advice of the Law Officers of the Crown. He hoped to lay the draft charter on the Table of the House either on that evening or to-morrow. As to the second part of the Question, it was very necessary for the interests of education in Trinity College, Dublin, that the matter should be settled as soon as possible; and before the close of the Session the hon. Member would probably have a sufficient opportunity of calling attention to the subject.

METROPOLIS—THE NEW LAW COURTS. QUESTION.

MR. FRESHFIELD asked the First Commissioner of Works, Whether any space has been reserved, or provision made, in the New Law Courts for the Court of Final Appeal; and, what arrangement is proposed to be adopted for supplying such Court, and where?

LORD HENRY LENNOX, in reply, said, that his attention had been called to the question of providing accommodation in the New Courts of Justice for the Final Court of Appeal; and he hoped his hon. Friend would not deem him discourteous if he refrained at present from entering into any detailed answer on that subject.

METROPOLIS—NEW STREET BETWEEN GRACECHURCH STREET AND FENCHURCH STREET.—QUESTION.

SIR HENRY PEEK asked the Chairman of the Metropolitan Board of Works, in regard to the new street to be formed between Gracechurch Street and Fenchurch Street, in connection with the completion of the Inner Circle of the Metropolitan Railway, What steps, if any, are proposed to be taken to prevent the inconvenience certain to be caused by the increase of traffic in Eastcheap, which as the main thoroughfare westward from the London and Saint Katharine Docks, the Royal Mint, the Tower of London, and the Trinity House, is already overcrowded, and will be the reverse of relieved by the proposed new street?

SIR JAMES HOGG: In answer, Sir, to the Question of my hon. Friend, I beg to state that no steps are proposed to be taken by the Metropolitan Board of Works with regard to Eastcheap. The Board do not agree with my hon. Friend with regard to the increase of traffic which he anticipates in that thoroughfare. On the contrary, they consider that the new street, 60 feet wide from Gracechurch Street to Fenchurch Street, and the proposed railway, when completed, will tend much to relieve the block in that neighbourhood.

COMMISSION OF THE PEACE—PRECEDENCE.—QUESTION.

MR. EVELYN ASHLEY asked the Secretary of State for the Home Department, Whether it is true that the names of the two gentlemen just appointed magistrates for the borough of Ryde have, contrary to usage, been interpolated on the roll of the Commission of the Peace before the names of the existing justices; and, if this has been so done, if he would state why?

MR. ASSHETON CROSS, in reply, said, it was true that the names of the two gentlemen who had just been appointed magistrates for the borough of Ryde had been interpolated on the roll of the Commission of the Peace before the names of existing justices, but it was not true that this had been done contrary to usage. From inquiries which he had made at the Crown Office he found that it was the invariable custom that gentlemen whose names were placed on the Commission of the Peace were placed on the roll according to their rank; and the two gentlemen who had just been appointed, having the precedence, had been put on the roll in the order of their precedence, and nothing more.

DOMINION OF CANADA—COASTING TRADE WITH THE UNITED STATES. QUESTION.

MR. MUNTZ asked the Under Secretary of State for Foreign Affairs, If the statements in the public prints relative to the proposed Treaty between the Dominion of Canada and the United States of America were so far correct, that Canadian-built vessels were to be entitled to the advantages of the coasting

consider with more care than I have at present been able to bestow upon them; and I am therefore not yet in a position to say whether any measures will be taken in the direction indicated by the hon. Member's Question.

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IRELAND — TRINITY COLLEGE (DUBLIN)—THE QUEEN'S LETTER. QUESTION.

MR. MITCHELL HENRY asked the Chief Secretary for Ireland, if he will state why the draft of the Queen's Letter empowering certain changes in the constitution of the governing body of Trinity College, and assented to on the 6th June by the Senate, has not been laid upon the Table of the House; and, whether, considering the lateness of the Session, the assent of the Government will be suspended until next Session, so as to give an opportunity of discussing this important question in Parliament?

SIR MICHAEL HICKS-BEACH, in reply, assumed that the Question of the hon. Member referred to the draft charter agreed on by the governing body of Trinity College, Dublin, and which was

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submitted to the consideration of the Government at a much later date than that stated in the Question. The delay in its consideration had been occasioned by the necessity in all such cases of referring such applications for the legal advice of the Law Officers of the Crown. He hoped to lay the draft charter on the Table of the House either on that evening or to-morrow. As to the second part of the Question, it was very necessary for the interests of education in Trinity College, Dublin, that the matter should be settled as soon as possible; and before the close of the Session the hon. Member would probably have a sufficient opportunity of calling attention to the subject.

METROPOLIS—THE NEW LAW COURTS. QUESTION.

MR. FRESHFIELD asked the First Commissioner of Works, Whether any space has been reserved, or provision made, in the New Law Courts for the Court of Final Appeal; and, what arrangement is proposed to be adopted for supplying such Court, and where?

LORD HENRY LENNOX, in reply, said, that his attention had been called to the question of providing accommodation in the New Courts of Justice for the Final Court of Appeal; and he hoped his hon. Friend would not deem him discourteous if he refrained at present from entering into any detailed answer on that subject.

METROPOLIS—NEW STREET BETWEEN GRACECHURCH STREET AND FEN- CHURCH STREET.—QUESTION.

SIR HENRY PEEK asked the Chairman of the Metropolitan Board of Works, in regard to the new street to be formed between Gracechurch Street and Fenchurch Street, in connection with the completion of the Inner Circle of the Metropolitan Railway, What steps, if any, are proposed to be taken to prevent the inconvenience certain to be caused by the increase of traffic in Eastcheap, which as the main thoroughfare westward from the London and Saint Katharine Docks, the Royal Mint, the Tower of London, and the Trinity House, is already overcrowded, and will be the reverse of relieved by the proposed new street?

SIR JAMES HOGG: In answer, Sir, to the Question of my hon. Friend, I beg to state that no steps are proposed to be taken by the Metropolitan Board of Works with regard to Eastcheap. The Board do not agree with my hon. Friend with regard to the increase of traffic which he anticipates in that thoroughfare. On the contrary, they consider that the new street, 60 feet wide from Gracechurch Street to Fenchurch Street, and the proposed railway, when completed, will tend much to relieve the block in that neighbourhood.

COMMISSION OF THE PEACE—PRECE- DENCY.—QUESTION.

MR. EVELYN ASHLEY asked the Secretary of State for the Home Department, Whether it is true that the names of the two gentlemen just appointed magistrates for the borough of Ryde have, contrary to usage, been interpolated on the roll of the Commission of the Peace before the names of the existing justices; and, if this has been so done, if he would state why?

MR. ASSHETON CROSS, in reply, said, it was true that the names of the two gentlemen who had just been appointed magistrates for the borough of Ryde had been interpolated on the roll of the Commission of the Peace before the names of existing justices, but it was not true that this had been done contrary to usage. From inquiries which he had made at the Crown Office he found that it was the invariable custom that gentlemen whose names were placed on the Commission of the Peace were placed on the roll according to their rank; and the two gentlemen who had just been appointed, having the precedence, had been put on the roll in the order of their precedence, and nothing more.

DOMINION OF CANADA—COASTING TRADE WITH THE UNITED STATES. QUESTION.

MR. MUNTZ asked the Under Secretary of State for Foreign Affairs, If the statements in the public prints relative to the proposed Treaty between the Dominion of Canada and the United States of America were so far correct, that Canadian-built vessels were to be entitled to the advantages of the coasting

trade of the United States of America, including the important traffic between the Eastern States and California, while similar advantages were denied to British-built ships?

MR. BOURKE: Sir, the statement in question is not correct, inasmuch as it assumes that the proposal contained in the draft Treaty referred to was to open the coasting trade generally, whereas the provisions in question apply only to the inland waters lying between Canada and the United States, and not to the coasting trade on the seaboard.

ARMY RANK.—QUESTION.

MR. NAGHTEN asked the Secretary of State for War, Whether he is prepared to recommend with a view to increased promotion, that Officers of Her Majesty's Army on retirement, if Captains, after fifteen years', or, if Field Officers, after twenty years' service on full pay, should be entitled to a step of honorary rank, with the privilege of wearing their uniforms?

MR. GATHORNE HARDY, in reply, said, that there was at present no intention to alter the rule with respect to conferring such privileges as those to which his hon. Friend referred, nor did he think such an alteration would have a tendency to increase promotion, as he seemed to suppose. The matter could, however, be considered.

IRELAND—COUNTY LOUTH AND DUNDALK BOROUGH ELECTIONS—"CALLAN v. DEASE."—QUESTION.

MR. SACKVILLE asked Mr. Attorney-General for Ireland, Whether his attention has been called to the evidence given in the Court of Queen's Bench in Dublin in the recent trial of Callan v. Dease; and whether it is the intention of Her Majesty's Government, by the issue of a Royal Commission or otherwise, to inquire into the enormous expenditure alleged to have occurred at the elections for the county of Louth and the borough of Dundalk in 1868?

THE ATTORNEY-GENERAL FOR IRELAND (DR. BALD), in reply, said, his attention had not been called in any official way to the subject mentioned in the Question, nor was he aware that it was the intention of the Government to issue such a Commission as that referred to. Indeed, he did not know that it was

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in the power of the Government to issue a Commission of that kind, the Corrupt Practices Act being applicable to such cases.

SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT BILL—SCOTCH APPEALS.—QUESTION.

MR. M'LAREN asked the First Lord of the Treasury, Whether his attention has been called to those parts of "The Supreme Court of Judicature Act (1873) Amendment Bill" now before this House, by which judicial decisions in Scotland may be appealed to a new Court to be constituted in Westminster, called "Her Majesty's Imperial Court of Appeal," in violation of Article XIX of the International Treaty negotiated between the two independent Kingdoms of England and Scotland, and afterwards ratified by the Sovereign and the Parliament of both Kingdoms, as follows:—

"That no causes in Scotland be cognisable by the Courts of Chancery, Queen's Bench, Common Pleas, or any other Court in Westminster Hall; and that the said Courts or any other of the like nature, after the union, shall have no power to cognose, review, or alter the acts or sentences of the judicatories within Scotland, or stop the execution of the same;"

and, whether, when the Bill is in Committee, the right honourable Gentleman will be prepared to propose Clauses by which Scotland will be directly represented in the new court of appeal by the appointment of one or more permanent Scotch Judges as it was represented in the House of Lords, according to the Treaty of Union, by which sixteen Scotch Peers were appointed to seats in that House, being the only competent court of appeal for the trial of Scotch causes? He might supplement the Question by saying that in the first appeal from Scotland after the Union 12 of the Scotch Peers voted.

MR. DISRAELI, in reply, said, with regard to the first part of the Question, the hon. Member assumed that there had been a violation of Article XIX of the Treaty of Union. He must observe that the Judicature Act Amendment Bill did not propose that Scotch cases should be reviewed by the Court of Chancery, the Court of Queen's Bench, the Court of Common Pleas, or any other Court in Westminster Hall, but by an Imperial Court of Appeal sanctioned by Parliament, and constituted in a manner

wholly different from any English Court. In reply to the second Question, he had to state that he did not intend to propose, in Committee on the Bill, clauses by which Scotland should be directly represented in the new Court. The great object in appointing members to the new Court would be to appoint men who were calculated to be most efficient, and Scotland would have very much changed recently if she had not a very good chance of a seat. But as to the supposed violation of the Treaty, he would observe that, as a matter of history, the Act of Union did not provide that in Scotch cases the appeal should be to the House of Lords. When the first appeal from Scotland was brought to them, they hesitated whether they should accept it at all. It so happened, however, that the appeals had been heard before the Scotch House of Lords, and it was therefore thought that, by an analogical process, the British House of Lords might hear appeals. With respect to the statement of the hon. Member as to the functions of Scotch Peers in hearing appeals, Her Majesty's Government had not yet discovered when 16 Scotch Peers had been in the habit of deciding Scotch cases.

IRISH LAND ACT, 1870—SALARIES TO CLERKS OF THE PEACE.—QUESTION.

MR. VANCE asked the Financial Secretary to the Treasury, Whether it is intended to bring in a Supplemental Estimate to provide for the payment of the extra salaries of the clerks of the peace, in pursuance of the provisions of the Irish Land Act of 1870?

MR. W. H. SMITH, in reply, said, that a Supplementary Estimate for the purpose would be laid on the Table before the end of the Session.

SCIENCE AND ART DEPARTMENT—ART SCHOOLS.—QUESTION.

MR. COWPER-TEMPLE asked the Vice President of the Committee of Council on Education, Whether it is intended that the employment of the students in the Art Schools shall be permanently discontinued in the decoration of the unfinished parts of the South Kensington Museum?

VISCOUNT SANDON: Sir, there is no money at present available for the decoration of buildings at South Kensington.

No decision will be formed as to the continued employment of art students in the decoration until the whole question of the proposed new buildings at South Kensington is settled. I may add, however, that the subject of these buildings, which is a very large one, is now engaging the attention of the Government.

POLICE SUPERANNUATION.

QUESTION.

MR. BRUCE asked the Secretary of State for the Home Department, Whether his attention has been called to the question of Superannuation in the Police Force; and, whether he is prepared to introduce any measure on the subject?

MR. ASSHETON CROSS, in reply, said, that his attention had been directed to the subject, and that he was of opinion the whole question with respect to a superannuation fund in the police force was one which required immediate consideration. He hoped to be able to lay a measure dealing with it early next Session on the Table of the House.

COURT OF JUDICATURE (IRELAND) BILL—THE LORD CHANCELLOR.

QUESTION.

MR. MITCHELL HENRY asked Mr. Attorney General for Ireland, Whether it is intended, under the twelfth Clause of the Irish Judicature Bill, that the office of Lord Chancellor in Ireland shall be made a permanent office held during good behaviour, like the other superior judgeships?

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL), in reply, said, that it was not proposed that the Bill should in any way interfere with the position of the office of Lord Chancellor in Ireland as it at present existed.

CRIMINAL LAW—ALLEGED MAN-AND-DOG FIGHT AT HANLEY.

QUESTION.

SIR CHARLES LEGARD asked the Secretary of State for the Home Department, If his attention has been drawn to the account in "The Daily Telegraph" of July 6th of a fight between a Dwarf and a bull-dog, which took place at Hanley; and, if he intends to take any steps in the matter?

MR. ASSHETON CROSS, in reply, said: My attention, Sir, has been called to this matter by the Question of my hon. Friend, and from all inquiries I have hitherto been able to make I have every reason to believe that the account referred to, and which appeared in *The Daily Telegraph*, is substantially true. I have, therefore, given directions that inquiries shall be made in the district, and that the attention of the local authorities shall be called to the matter. I hope to hear from them in the course of a few days.

PUBLIC WORSHIP REGULATION BILL.

(*Mr. Russell Gurney.*)

[BILL 176.]—[*Lords.*]*—*SECOND READING.

Order for Second Reading read.

MR. RUSSELL GURNEY, in moving that the Bill be now read a second time, confessed that he did so with considerable anxiety, not on account of any supposed difficulty either in the principles or details of the measure, but because he could not profess to be ignorant of the amount of angry feeling which had been excited by this measure among many persons for whom he entertained very high respect. At the same time he thought that that feeling was due rather to what had been imagined to be in the Bill than to what was really to be found in it. He trusted that he should be able to show, when he compared the present law with that which the Bill proposed to introduce, that there were no grounds for complaint either on the part of the public or the clergy; for while the Bill would be found to materially facilitate the administration of the law with regard to ecclesiastical offences, it would secure most thoroughly the fair rights of the clergy themselves. His great anxiety, however, was lest he should say or do anything in the slightest degree to intensify the feelings that at present existed upon the subject. It would be necessary for him, in the first instance, to make clear to the House what was the law now in existence. As the House was aware, England was divided into two provinces—those of Canterbury and York. For these provinces there were separate Courts and Judges, and in each province there were a number of Consistory Courts, in which ecclesiastical matters were more or less dealt with. The Dean of Arches was the Judge of the

provincial Court of Canterbury, and the principal official of the Court of Chancery was the Judge of the Court of York. The law with reference to ecclesiastical offences was now to be found in the Church Discipline Act of 1840. Ordinarily, the course was for the Bishop, on a complaint being made, to appoint a Commission consisting of five persons, a certain number of them being officials, to summon witnesses, and inquire into the alleged offence. But he might, if he thought fit, take that step without any complaint being made. On the Commission finding that there was no ground for further inquiry, the complaint would be dismissed. If the report was to the contrary effect, the Bishop would proceed, with the assistance of his Chancellor, another official, and two other persons acting as assessors, to hear the case, and his decision would be pronounced, whether the assessors agreed in it or not. From his decision there was an appeal to the Provincial Court, and from that Court there was an appeal to the Queen in Council. The Bishop had the power to dispense with the preliminary inquiries, and send the case at once to the higher Court. Another provision of the Church Discipline Act was, that the Bishop had power at any time during the proceedings to inhibit the clergyman from the performance of all service in his parish, to appoint another in his place, and to sequester the revenues of his living in order to pay the clergyman appointed to succeed him. This was the law which had now been in operation for 34 years, and there had therefore been ample opportunity of judging how far it met the necessities of the case, and how far it gave satisfaction either to the public or to the clergy. Complaints of it had been universal. There had not been an inquiry that had taken place in respect of it the result of which had not been to condemn it in the strongest possible terms. Lord Cranworth—an unlikely person to use harsh language—described the whole proceedings as “cumbrous, dilatory, and expensive;” and two Committees of Convocation had also condemned it in terms almost as strong. One of them in the Upper House were unanimously of opinion that the law touching the discipline of the clergy was unsatisfactory and needed amendment, and that the great expense and delays attending such

proceedings amounted almost to a denial of justice; and the other had said that instead of being better the process of law now was worse than before the passing of the Church Discipline Act. The Report of the Commission who inquired into this matter before the passing of that Act in 1840, to show how bad the law was at that time, stated that suits sometimes lasted two years, and the expenses of a single suit had been known to amount to as much as £1,500. Since the passing of the Church Discipline Act he found there was one case in which the taxed costs amounted to £11,000; in another they amounted to £3,900; and in another to £2,400. In one case they amounted to only about £1,000, and in another to considerably less. If the law was universally denounced as bad before this Act was passed, because under it the expenses amounted to £1,500, what would be thought of the Act under which litigation cost such considerable sums as those he had mentioned? It was his duty now to explain the provisions of the present Bill. The offences to which it would apply were stated in the 8th clause. They were: Any alteration in or addition to the fabric, ornaments, or furniture of a church, where such alteration or addition had been made, without a faculty from the ordinary authorizing or confirming such alteration or addition, and the introduction of any illegal decoration into the church. The same clause provided against any incumbent permitting any unlawful ornament being used in a church or burial ground, and also provided against the non-observance of the directions contained in the Book of Common Prayer, relating to the performance of services, rites, and ceremonies ordered by that Book. What he wished especially to mention to the House was that nothing in the Bill touched in any way the doctrine of the Church. It dealt only with what was positively unlawful as the law now stood. The next subject to which he would direct attention was as to the persons who were to initiate proceedings. Under the Church Discipline Act, any one whatever might make application; that application went to the Bishop, who of his own accord might direct inquiry. But there was no provision in that Act requiring that the person making the application should be a parishioner; nor

was it by any means certain that the Bishop was obliged to take proceedings immediately on such representation being made to him. The question had been raised, but not decided, whether the Bishop had any option in the matter. By this Bill, however, as it had come down from the House of Lords, it was proposed that the person to make the representation should be the archdeacon, rural dean, churchwarden, or any three parishioners being members of the Church. The form of application as provided by the Act was very simple, and would not be expensive. There was another provision, that it should be accompanied by a statutory declaration attesting to the truth of the representation. That being presented to the Bishop, it was for the Bishop to say what course should be pursued. If he did not think it a fit subject for inquiry, he could put a stop to all further proceedings, stating at the time in writing his reasons for thus exercising his right of veto. If he did think it fit for inquiry, he might call the parties before him, and ascertain whether they were willing to be bound by his decision; and if they assented to that, the Bishop decided the case. He attached considerable importance to this provision, as he trusted that when this present excitement had passed away the cases would not be few in which the complainant and the accused would be alike willing to be bound by the decision of the Bishop. If the parties were not willing to be bound by his decision, he would forward a representation to the Judge to be appointed under the Bill. That Judge, who was to be appointed by the two Archbishops, would have a salary of £3,000 a-year, to be paid by the Ecclesiastical Commissioners. An important provision of the Bill was that, in case of proceedings being improperly instituted, the party who instituted the proceedings would be bound to give security for costs. Consequently, hereafter it would be impossible for anyone who was not able to pay or give security for the payment of costs to prosecute a suit in an Ecclesiastical Court. The next matter to which he would call attention was the punishment which might be inflicted under the proceedings of the Judge. The sentence which he was at liberty to pass was an inhibition—not before the matter had been inquired into, or before

there had been some proof of the guilt of the party accused; but on the sentence of the Judge there might be an inhibition against performing service for a period of three months, and until the person sentenced undertook in future to obey the law. Should he for a period of three years refuse to give this undertaking he would be liable to be deprived of his living. What was wanted was not punishment but prevention, and the present Bill proceeded upon that view. He would call the attention of the House to one or two other improvements which it was proposed to give effect to by this Bill. One great improvement was with regard to the course of procedure. Than the present form of procedure nothing could be more cumbrous or expensive, more particularly with regard to letters of request, citations, articles, and interlocutory motions, which tended greatly to cause both delay and expense. Under this Bill the delay and the expense would be materially diminished. A further improvement related to the appointment of a Judge of weight and authority for both provinces, which must be better than having one Judge for one province and another for another, one deciding in one way and another in a different way. The Bill provided, too, that there should be an end of that system under which heretofore a Bishop was made prosecutor in cases relating to the conduct of Public Worship. A Bishop was the father of his diocese, and it was unseemly that he should occupy the position of a public prosecutor. When the Bishop ceased to be the public prosecutor he would be more likely to be consulted by both parties, especially by the clergy as a friend, and with reverence as a father. Having now pointed out the principal differences between the Church Discipline Act and the present Bill, he ought to call attention to the objections which had been urged against the latter. The first objection which had been insisted on, not so much in Parliament as out-of-doors, was that the Bill had been introduced without first receiving the assent of Convocation. This objection was so utterly contrary to the principles laid down by statesmen and constitutional lawyers that he could not admit that it had any force, and he hardly thought that it would be seriously urged in that House. Out-of-

doors, however, this objection had been urged with great pertinacity. After this Bill came down from the House of Lords, Amendments were placed on the Paper by his hon. Friend opposite (Mr. Dillwyn), and by another hon. Member (Mr. Leatham), to the effect that the Bill should be read a second time on that day three months. Of course, the terms of such Amendments did not indicate the particular objections which would be urged by those hon. Gentlemen. At the same time, entertaining as he did the firm conviction that the Bill would materially strengthen the Church of England, he, remembering the principles supported by those hon. Members in former Sessions, could easily imagine that it would not be received by them with any great favour. However, he hoped there were not a few among his Nonconformist friends who, though they might disapprove of the existence of the Established Church, yet being Englishmen first and Nonconformists afterwards, would believe it to be of no inconsiderable importance that the law should be obeyed by its ministers. The first Amendment which gave any reason at all was that of the hon. Member for the City of Oxford (Mr. Hall). It was in the following terms:—

"That it is inexpedient to proceed further with a measure for amending the administration of the Law in regard to offences against the Rubrics of the Book of Common Prayer while the revision of such Rubrics has, by the advice of Her Majesty's Government, been remitted to the Houses of Convocation of Canterbury and York."

He did not know whether the Convocation of York had yet met. He understood the Convocation of the Province of Canterbury had; but how long, he wanted to know, was Parliament to wait? He found that this matter had already been considered by Convocation. In the year 1871 a Committee of Convocation was appointed to consider the very rubrics on which these questions were likely to arise; but not a single alteration was proposed. [Mr. BERESFORD HOPE dissented.] He was alluding to those rubrics in which special interest was excited with reference to the present Bill. In 1872 Convocation had Letters of Business, another Committee was appointed, and again these rubrics were passed over without a single alteration. At the

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present time, he understood Convocation was once more considering the rubrics; but whatever alteration might be agreed to, he did not apprehend that it would afford the least objection to the passing of this Bill. Let him remind the House of the provisions of the Bill as to the Bishop's veto. Suppose a rubric were altered by Convocation, and the alteration were likely to receive the confirmation of Parliament, he did not believe any Bishop on the bench would allow proceedings to be taken for enforcing such rubric. The right hon. Gentleman the Member for Sandwich (Mr. Knatchbull-Hugessen) had moved an Amendment to that of the hon. Member for Oxford, and proposed as a reason for not legislating that "the Law is in an uncertain condition." For his own part, he did not quite understand why the House should have taken so much trouble a year or two ago about the Judicature Act if the fact of the law being in an uncertain condition afforded a sufficient reason for not improving the tribunals of the country. He had learned in a Committee upstairs that learned Judges differed on the law relating to murder, but this was no reason why legislation should be delayed. Another Amendment, of which Notice had been given by the hon. and gallant Gentleman (Colonel Makins), was that "no Bill can be deemed satisfactory which deals only with the two inferior orders of the clergy." Well, there were several Bishops who were also incumbents of livings, and if they were guilty of illegality they might be proceeded against, just like the inferior clergy. Another Amendment proposed by the noble Lord (Lord Francis Hervey) was—

"That it is inexpedient to proceed further with a measure which does not deal in a comprehensive manner with the Law relating to prosecutions of Clerks in Holy Orders for offences against the Laws Ecclesiastical."

Experience taught him to be very thankful for small mercies. It was a very difficult thing to pass a large and comprehensive measure through both Houses of Parliament. A great deal would however be done if they devised a satisfactory mode of procedure which was free from the expense and delay of the existing system, and if at the same time they secured the public against having that which was offensive to their feelings going on contrary to the law. The last

Amendment he should refer to was that of his hon. Friend the Member for West Kent (Mr. J. G. Talbot). He was glad this Amendment was the last, because he thought what he had to say upon it would have very material weight on the general question of the expediency of passing the Bill. The Amendment was—

"That the proposed appointment of a new Judge for the decision of one branch of ecclesiastical offences is inexpedient, and involves unnecessary charge upon funds already devoted by Parliament to the relief of spiritual destitution in populous places."

He entertained every possible respect for the feeling that these funds should be applied as largely as possible to the relief of the poorer living, but recourse had been had, again and again, to the application now proposed. A great part of these funds were provided out of the estates, which had been given up by the Bishops, and surely it was a fair justification of their proposed application that they would enable the Bishops satisfactorily to discharge their duties. Not many years ago, £8,000 was annually provided out of the same funds for paying the salaries of Archdeacons; and still more recently, a portion of the funds was devoted to the maintenance of the library in Lambeth Palace. The amount of the fees received by the different officers of the Ecclesiastical Courts amounted, according to one calculation, to as much as £70,000 a-year, and according to the lowest calculation they were £40,000 a-year. An Act of Parliament provided that no officer appointed after a certain date should have any vested interest in these fees, and it was expected that shortly a much larger amount would fall in than the £3,000 which was required to pay the Judge who was to be appointed under this Bill. Under the provisions of the Judicature Act, the Judge of the Admiralty Court, who also had ecclesiastical jurisdiction as Dean of Arches, was to be removed to a position in the Supreme Court, and therefore the office of Dean of Arches would become vacant when the Act came into operation. It was, therefore, proposed that the Judge to be appointed under the present Bill should undertake the ecclesiastical duties formerly discharged by the Dean of Arches, and that the section relating to the appointment of the Judge should come in force

on the passing of the present Act, so that the vacancy might be filled as soon as it arose. He had avoided, and had purposely avoided, in the course of his observations, making any reference to the parties existing in the Church, or to the effect which the Bill might have upon such parties. Parties had existed in the Church from the time of the Reformation downwards, and, constituted as men's minds were, parties must, within certain limits, continue to exist. He was not disposed to contract those limits, but, on the contrary, he would gladly widen the basis upon which, as an establishment, the Church rested. He knew no parties in this matter among those who were willing to obey the law. But he could not shut his eyes and his ears to the fact that there were very great and general complaints made of the lawlessness, or the supposed lawlessness, existing in many parishes. The laity were complaining that their Episcopal rulers were doing nothing to correct this state of things, and, on the other hand, the Bishops, almost as one man, asked Parliament to strengthen their hands by passing the present Bill. The question was—Were they to reject that request? The complaints were not made by one party, but by all parties. Some complained of unlawful omissions, and others of unlawful acts of commission. Both offences would be dealt with under the provisions of the present Bill. He could not doubt that when the law was made generally known, and when the power of enforcing it was also known, it would be generally obeyed. If there should arise in the Church a party who were determined to set the law at defiance, they would not, after the present excitement had passed, either win the sympathy or retain the respect of the people of this country. If he had learnt anything in the course of a not short experience, it was that the people of England would not endure that clergymen enjoying emoluments, secured by the laws of their country, should be allowed to disobey those laws. Englishmen would not recognize a law of the Church as opposed to the law of the land. Mutterings of this kind had been heard elsewhere, but they would find no echo in the House of Commons. They would all be agreed upon this, that whatever they might think of immediate or dis-

tant legislation, they would not endure that any party—still less those whose duty it was to teach and instruct others—should be the persons to claim the right, or at any rate to insist upon the practice of disobeying the law under which they lived. All that he had to ask now was that whatever was done should be done at once. Angry speeches had been made and hasty threats uttered; but he believed they would have but little weight when the excitement of the moment had passed away. Some angry feelings might be excited by the immediate passing of this Bill; but there was a large party whose voice had not been heard, even in the numberless Petitions which had been presented, but who were resting in the full assurance that the powers asked by our Episcopal rulers, and granted by the other House of Parliament, in which the Church of England was as well represented as in any other assembly, would be cheerfully granted by the House of Commons, in order that the disorders complained of might exist no longer, and that while perfect security was given for the prevention of injustice, the majesty of the law should be upheld.

Motion made, and Question proposed.
“That the Bill be now read a second time.”—(*Mr. Russell Gurney.*)

MR. HALL, in rising to move the Amendment of which he had given Notice, thanked the right hon. and learned Gentleman the Recorder for the kindly manner in which he had dealt with a very difficult subject. With regard to the Bill itself the longer it had survived the less like its original self it had become. The reason of this was not to be found in any regard for the party in the Church against whom the Bill was first directed, but in the good old-fashioned English feeling that repression to be of avail must be based upon distinct law, and also upon equity, justice, and common sense. This feeling accounted for the abandonment of the clause which would have allowed a man to be judged *pendente lite*, and which was declared on the highest authority to be of the very essence of the Bill. A very miserable and un-English essence this was. Notwithstanding the changes, some of which were good, some bad, and others indifferent, the measure was not a satisfactory

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one to moderate Churchmen. The proposal to substitute one Judge for the judicial office of the Episcopate was one requiring the gravest consideration. The laws of the Church of England were not like the laws of a strict sect, but, from the time of the Reformation, were meant to be a compromise between the old school and the new; and he could not but regard with dismay a proposal which would give to one man the power to stamp his own opinions upon the whole Church of England at a time when decisions given by different Judges had been declared by the Lord Chancellor to be totally irreconcilable. Another objection to the Bill was that it proposed to constitute a tribunal which would decide upon the enforcement of rubrics now existing, at a time when there was a growing demand for the revision of the rubrics themselves. It was said that the Judge would easily see what the law was, and would have no difficulty in defining it; but if this was the case there could be no need for the revision which was asked for. The Lord Chancellor had himself declared that no man, even though he were a lawyer, could reconcile the differences between decisions which had been given. The Judge, no doubt much against his inclination, would have not only to administer, but to make the law, and therefore pending the alteration of the law, the private opinions of one man would have to rule supreme over the consciences of thousands, although it might be that his conclusions might not commend themselves to some of the greatest intellects in England. Was there, then, no remedy? The best and wisest remedy at the present moment might be expressed in the word "non-intervention." There was no doubt that the stream of ecclesiastical law had become somewhat turbid; but they might reasonably hope that by the help of that rubrical revision the waters might clear a little, and then they might fairly expect that the clergy, like everybody else, would obey the law when it was properly settled. The good sense of the majority would assert itself, and those whose duty it was to teach men obedience would scorn to teach disobedience. But supposing, for the sake of argument, that legislation was necessary and that the recommendation for that legislation had sprung, as it ought to have done, but had not done, from the

Church herself, still there were two ways of approaching Parliament on such a subject. One was to say—"Here are our rubrics, as perfect and intelligible as we can make them; we find they are not obeyed; give power to the Church's officers to enforce them." The other way was that now before them—namely, to say—"Here are rubrics professedly imperfect and unintelligible; we are going to have them revised, and we ask for power for her officers to enforce them before and during such revision." Let those laws first be made intelligible, and then they might talk of giving additional power for enforcing them. Some looked on that Bill as if it were a party flag, and as if those who did not march obediently beneath its folds stood committed to some Continental system of ecclesiasticism. But he subscribed to no such doctrine and sympathizing with neither extreme, but as a loyal Churchman, he said let them dispassionately and thoroughly understand what the law was to be for the breach of which they were asked to impose penalties. Narrow prejudices and jaundiced views did not meet with much encouragement in the bracing atmosphere of that House; and he appealed not only to Conservatism, which was near akin to English justice, but also to Liberalism, which he hoped was near akin to liberality. Casting party, ecclesiastical party—the bitterest of all—to the four winds, let them refuse for the present to have anything to do with that panic-begotten measure which threw an unmerited and disgraceful slur on the fair loyalty of the English clergy, who were as free from allegiance to any foreign Power as the staunchest Protestants in these Realms, but who asked that in a matter affecting their liberties, no hasty proceedings might be taken, and that the voice of the Church might be heard. They were often told that legislation was necessary because of the excesses of individuals; but a candid man could not shut his eyes to the fact that the excesses of individuals did not always take one form—they were not always sins of commission. Sins of omission, faults of irreverence—if they would be just—must be placed in the same category. They caused heart-burnings and gave just offence; yet they could best be dealt with within the bosom of the Church herself. And all those faults, whether of excess or defect of

both agreed to abide by the decision of the Bishops, it was provided that no question of law should be so decided by the Bishop's judgment, that "it may not be again raised by other parties." It seemed to him that under this proviso A. might proceed against a clergyman, agree to abide by the decision of the Bishop, and be beaten; upon which B. might immediately raise the same point, and require the case to be carried beyond the Bishop, whereby the clergyman would be placed in an unfair and disadvantageous position, as he, having once consented to abide by the Bishops' decision, could do nothing more if that decision were against him. In supporting the Amendment, he might add he was acting in the interests of no party. His belief was that if we were to have a national it must be a comprehensive Church. There were three schools of thought which included all phases of English Christianity. On the one side we had the Nonconformist Bodies, which built themselves on the right of private judgment in matters of religion; and on the other the Church of Rome, which relied mainly on authority. The principles on which those two Bodies were founded the Church of England blended together by taking something from both. By the comprehensiveness of its doctrine and the elasticity of its ritual, it secured that moderation in religion which was suited to the English character, and which afforded a great number of persons differing as to details a common ground of unity. The Church of England could not be a narrow Church, and he had read with great pleasure some observations which had been made by the Prime Minister a few days ago, which seemed to deprecate the idea that the existence of parties within the Church was dangerous to her existence. In a National Church there must be parties, and that there were was but a sign of vitality and active life within. The best friends of the Church, therefore, in his opinion, and of religion generally, were they who, recognizing the necessity of comprehensiveness, treated with equal tenderness and respect the opinions of all the parties, and avoided giving a triumph to any one party over another. But if that were the intention, was it likely, he would ask, to be the effect of the Bill? He believed not. Great com-

Mr. Knatchbull-Hugessen

plaint was made that under the present state of things litigation was so expensive. But if, owing to the expense, litigation was diminished, were not many scandals also avoided which might, under other circumstances, have come to light? It had been said that the Bill had been misinterpreted, and so had the opposition to it. If he opposed it, it was because instead of enforcing discipline it would, in his opinion, aggravate dissensions, and bring schism into the Church. The union between Church and State was, he contended, an honourable alliance, and if fairly carried must be of advantage to both. It did not mean, however, that the one was to be the slave of the other; and if the Church was to be narrowed and her elasticity restrained, the sooner disestablishment came, the better, for he was an advocate of the Establishment rather in the interest of the State than of the Church. As long as he (*Mr. Knatchbull-Hugessen*) had a seat in that House he would oppose, from whatever quarter it might come, anything which seemed to him to have a tendency to restrict the comprehensiveness of the Church of England. In conclusion, he had simply to observe that, believing the Bill was fraught with more danger than could be outweighed by any benefits which could accrue from it, he must oppose the second reading. He acknowledged the weight of authority against him—there were those in favour of this Bill whose opinions he highly valued—he differed from them with deferential regret, but he saw danger and evil to Church and State from the measure before the House, and for those dangers and evils he, at least, would not be responsible.

Amendment proposed.

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to proceed further with a measure for amending the administration of the Law in regard to offences against the Rubrics of the Book of Common Prayer while that Law is in an uncertain condition,"—(*Mr. Hall*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE: Sir, considering the thorny character of those paths which we are now invited to tread, I think,

after the three speeches we have just heard, it must be admitted that thus far we have advanced as well as could be expected. I desire to pay the compliment which it seems to me to deserve to the spirit of all those speeches. I heartily desire to imitate that spirit myself, for I feel that if once in ecclesiastical discussions of this kind we allow ourselves to enter into the region of reciprocal censure and suspicion, all benefit from our labours will become totally hopeless. Of the speeches to which we have just listened, the one was delivered by my right hon. Friend near me (Mr. Knatchbull-Hugessen,) the other by the right hon. and learned Gentleman opposite (Mr. Russell Gurney,) both old and experienced Members of this House. But I must say a few words in what appears to me to be a merited tribute with regard to the speech of the hon. Gentleman—I am not sure owing to my slackness of attendance during the present Session, whether this is his first appearance; but, at all events, this early effort of the hon. Member for Oxford (Mr. Hall), whose success as a candidate for that City, I must own, I did not ardently desire, but who appears to me to have performed a very difficult duty this evening in a manly, kindly speech, and with marked ability. Perhaps it may seem somewhat strange that I should desire to interpose thus early in the debate, and I can assure the House that I do not do so because of the avidity to take part in ecclesiastical discussions on which the right hon. Gentleman opposite (Mr. Disraeli) rallied me very good humouredly the other night. If this were a proper occasion I think I could show that, considering the length of time I have sat in this House, and the number of hours it has been my unhappy fate—or the unhappy fate of the House—to have occupied their attention, if a percentage were taken, the percentage of my ecclesiastical speeches would be extremely small. But I have been dragged from what I should wish at the present moment to be retirement by the urgent call of duty to take part in the discussion of a subject which I feel to be of the greatest difficulty and importance. I have, indeed, never, for more than 40 years, approached the discussion of a public question with a greater sense of embarrassment or perplexity. I envy, I must own, in some degree the rosy view

which the right hon. and learned Gentleman who moved the second reading of this Bill finds himself able to take. It appears to me, however, that the difficulties with which we have to deal are far more formidable than he, as yet, seems to have perceived, and I hope he will not think me disrespectful if I state that the special purpose with which I now rise is to endeavour to point out to the House that there was a fallacy in the argument of the right hon. and learned Gentleman, and that the scope and operation of this Bill will not be what he has described. In almost everything he said I agree; but then he has omitted from his speech and from his examination of the Bill what is of far more consequence than anything which he has said, and that it is so I shall endeavour in the course of the remarks which I am about to make, to render intelligible to the House. I have never known a more extraordinary case of ignorance on the part of the public and on the part of the partizans on the one side and on the other than appears to prevail in reference to this Bill. I have received—and I suppose many other hon. Members have received—most impassioned appeals to support or oppose the Bill, as the case might be. But all those appeals convey to me the impression that, from whatever quarter they come, they are written for the most part in profound ignorance of what the operation of the Bill would be and of the dangers which its provisions are calculated to cause. Nor is this strange. Most unhappy have been the circumstances through which the scheme has passed which has taken the shape of the present Bill. It was announced in the first place to the public through the columns of a daily journal; and it was from that source that the clergy of the country were informed in what manner their dearest interests were to be dealt with and how they were to be handled by the judicial tribunal of the country. I cannot blame the editor of the newspaper, who availed himself with readiness and even with avidity, of a most interesting piece of intelligence, of which he had exclusive possession. I do not blame the most rev. Primate, because I am convinced that the most rev. Primate was not the man who chose that method of communicating his views to the profession of which he is the ornament and the head. I blame somebody

in the dark, somebody behind the scenes, some clever fellow, who no doubt, thought he was effecting a great stroke by this ingenious plan of communication, but who took the first step in what I think has been a career of chances and changes most unfortunate, most detrimental, almost fatal to the true comprehension of the matter which is now really before us. One plan having been so announced to the public, the Session opened. The most rev. Primate appeared in his place, and he introduced a plan totally different from that which had been described in the columns of *The Times*. He carried his plan into Committee, and the charitable contributions of lay Peers mainly contributed to make virtually a third Bill, on this difficult and varying subject. Not only so, but one of the Prelates—a great orator—assured the House that he would meet a great difficulty which all felt, by securing a neutral ground within which the action proposed by the Bill should not be allowed; and he suggested with this object that they should concert a catalogue of observances or non-observances with respect to which the usages actually existing should be defended from interference. Well, I believe there never was a proposal on which there was a greater diversity of opinion. Such a suggestion naturally shocked the members of the legal profession. I find that it was exceedingly unacceptable to the different religious parties throughout the country. There are a great many members of those religious parties who can bear with tolerable patience the omissions or commissions of their adversaries so long as these things do not receive a direct consecration from the law, but who would have opposed violently the ingenious plan of the right rev. Prelate. For my part, I think it not impossible, although it might be far from easy, to solve by the means to which I have referred the greater part of the difficulty with which we have to deal. But what happened? The plan was announced as a means of getting rid of the difficulties of the case. The practical application was postponed till the latest moment in order that there might be the minutest care and circumspection with regard to every point, and when the latest moment came the plan entirely disappeared, and the Bill passed without it. At the last moment, therefore, the

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character of the Bill was again totally changed by the withdrawal of a plan on the acceptance or rejection of which it depended whether the measure should be substantially one thing or substantially another. It cannot be a matter of surprise that even the most diligent readers of newspapers—and, for my part, I think it is one of the first duties and highest privileges of a man turned out of office to contract greatly his reading of the journals of the country—were unable to keep themselves aware from week to week and from day to day of the effect of these shifting operations under which a measure proposed for the removal of practical evils was assuming continually a new phase. Under the circumstances, the country seems to have fallen back on the safe and unfailing remedy of general assumption. At the commencement of the controversy we were told that Ritualism was a great evil, and that we must have a Bill to put it down, while at the same time there was no definition of what Ritualism was. I have lived a public life for 40 years, and during every one of those years Ritualism has borne a different meaning. What was Ritualism 40 years ago was not Ritualism 20 years after, and what is Ritualism now was not Ritualism 20 years ago; so that it is a term which requires to be defined. All over the country it was known that there is something objectionable, and somebody said that something should be done to put it down. There is a vague idea that this Bill is that something against which they go to war without having the least notion of what is in the Bill or what will be its legal or practical operation. In my opinion, we are in a position of great difficulty. We have a Bill not, I think, asked for by the Bishops of the Church. It appears to me that the right hon. and learned Gentleman is under a manifest misapprehension on that point. The Bishops of the Church, very generally, undoubtedly gave their affirmation and assent—rightly or wrongly—to the second reading of the Bill. The Bill has undergone fundamental changes since the second reading, and there has been no renewal of that assent by any subsequent vote. But we know that it is a Bill recommended by the two Primates. Although the Bill was manufactured, not by them, but by independent Members of Parliament, the Bill comes

to us at any rate with this recommendation, that it was proposed by two persons, gentlemen of great eminence, ability, and high character, holding the very highest places in the Church—namely, those ancient historic sees of Canterbury and York, which I trust the Church of England may always be able to fill according to their ancient and almost world-wide renown. I have asked myself, therefore, whether this Bill, proceeding from such a quarter, ought not to be accepted—putting small difficulties out of the way, ought we not to sacrifice a good deal and give our assent to it? I am one of those who believe that it is not possible to deal with ecclesiastical legislation under the conditions of the existence of modern Parliaments, except by the assistance of authority brought to bear on the proposals that are made. I have always looked to the concurrence of the Government and the heads of the Church as the essential condition of a satisfactory solution of ecclesiastical problems. It is no merit of mine that the Administrations to which I have belonged have acted upon that principle. It was under the Government of Lord Palmerston that we were first called upon to observe it, and by a strict and close adhesion to that principle we were enabled to settle harmoniously the difficult and delicate question of Clerical Subscription. But in this case, unfortunately, it has not been found practicable to adhere to it. There is not the amount of weight and authority attaching to the proposal which I could have desired. Still, there is so much that I would have gladly assented to the Bill if I could have shut my eyes to a part of the case to which it seems to me the right hon. and learned Gentleman has shut his eyes. The right hon. and learned Gentleman has treated it all along as a mere question of procedure. It may be that the measure would be of great practical importance in that respect; but we have to consider it as dealing with something very much higher than procedure. I take my stand upon the broad ground that a certain degree of liberty has been permitted in the congregations of the Church of England; that great diversity exists in different parts of the country and in different congregations; that various customs have grown up in accordance with the feelings and usages of the people; and, whether the prac-

tices that have so grown up are or are not in accordance with the law, I say they ought not to be rashly and rudely rooted out. What does the right hon. and learned Gentleman say upon this subject? He has delivered two utterances, both of which were cheered, and both of which were in flat contradiction—I beg his pardon—as I understand the matter, to one another. The right hon. and learned Gentleman said—"I am not willing to contract the limits of existing liberty," and this was greatly cheered. He afterwards went on to say—"All unlawful omissions and unlawful commissions I wish to have put down," and again he was greatly cheered. Well, now we are coming a little nearer to the point. I want to know whether the House is prepared to adopt the principle that in the Service Book of the Church of England all unlawful omissions and commissions shall be deliberately and advisedly put down? I do not scruple to say that they ought not to be put down, and contend for the liberty of the congregations of the Church of England. I am not to be frightened out of that contention by anything that anybody can tell me about Ritualism, which, after all, is but the smallest part of the question with which we have to deal. The variations introduced by Ritualism are variations which in many cases you ought to prevent; but there are variations totally distinct from those, as I will proceed to show you. The right hon. and learned Gentleman seemed to think he was exercising the greatest moderation when he said—"All I ask of you is that whatever you do, you will do it now." This is, indeed, a most moderate demand to make on this 9th of July, and in reference to a Bill the complexity and difficulty of which, if his speech be an index of his mind, the right hon. and learned Gentleman himself has not yet fathomed. I should be very glad if it were possible to make out of this Bill a safe, effectual, and wholesome measure, but that cannot be done without most important changes in it. Now, having said the most startling things that I have to say, I will proceed to their justification. As to the salary which is proposed to be given to the Judge under this Bill, I must own that I agree entirely with the Amendment of which my hon. Friend the Member for West Kent (Mr. J. G. Talbot)

has given Notice. The explanations which the right hon. and learned Gentleman has given on that point are to me wholly unsatisfactory, and if nobody else shall do so, I myself will take the sense of the House upon the question whether funds which should be applied to the wants of the Church should be applied to the payment of the salary—at the rate of £3,000 a-year—of a Judge to determine questions about the manner of performing public worship in the Church of England. My opinion is that any money which the Church of England may have to spare should be applied, not to the payment of the salary of such a Judge, but to the raising of the income of existing livings, and to the establishment of new cures to meet the crying wants of the population. I shall be much surprised if the right hon. and learned Gentleman persuades the House to give its assent to that proposal of the House of Lords. I do not like to pass a Bill which by silence and implication gives protection to an illegality provided the illegality be committed by a Bishop. That is one of the features of the Bill before the House. Besides the incumbent, there is another person entitled to officiate in every parish church in the country—namely, the Bishop of the diocese. By this Bill the Bishop may go into every church, and commit illegalities as he pleases, but he is borne entirely harmless under the provisions of the Bill. I pledge myself to take the opinion of the Committee—if the Bill goes into Committee—upon the question whether a legal charter to break the law is by an Act of 1874 to be given to Bishops. I desire that what I say should not be interpreted as meaning more than what I have said. I have a reasonable respect for Bishops. For the appointment of some of the present Bishops of the Church of England, I am in a degree responsible, and I am not in any way ashamed of the recommendations which I made as to appointments to bishoprics. But if instead of Bishops they were saints or angels, I would not be a party to pass an Act of Parliament to enable them to break the law without the consequences which follow a breach of the law. If hon. Gentlemen will turn to the 8th clause they will find that it states with perfect impartiality the offences which it is the design of this Bill to deal with. That clause

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contains a thin edge for the cutting off of the head of a High Churchman, and another edge for the cutting off of the head of a Broad Churchman. I speak with all due deference to lawyers in the House when I express my opinion that one of the propositions of this Bill is that in some parishes the rubrics of the Church of England shall in all respects, both as to additions and omissions, be invariably, strictly, and absolutely obeyed. That is exactly the thing that ought not to be done. Law is quite exceptional in its nature. The business of law is to prohibit and to punish crime. Directory law is comparatively rare. Directory statute, entering into a countless multitude of minutiae, and telling 20,000 clergymen what they are to do every day of their lives—how they are to turn, and stand, and speak, and how every congregation is to behave—this is exceptional law; and even if it were a new law, every rational man would say that it is not literal uniformity, but honest and general obedience that is desirable. If that were true of a rubric cut down and considered in order to meet the newest fashion, much more is it necessary for a rubric framed in 1661. I am accustomed to hear discussions in this House in which the framers of the rubrics of 1661 hardly ever get decent treatment. It is the fashion to say how narrow and intolerant and unwise they were. I do not agree in that abuse. They should be estimated according to the times in which they lived. They framed the rubrics as well as they could in 1661, and it is no paradox to say that it would be a most doubtful measure to insist in 1874 upon a new law for the purpose of giving stringency to these rubrics and obtaining their minute observance throughout the country. Then comes the question, What have we been doing in the interval? Has the law been preserved from 1661 to 1874? Is it only within the last 10 or 20 years that the law has been departed from? On the contrary, and as I say essentially from the nature of the case, the law has been departed from in a number of particulars, varying in different parts of the country. Do not let it be supposed, therefore, that the law is effective. My contention is this—that you ought not to go to these congregations, and say to them—“We will insist upon all of you cutting your coat to the

same measure. We will insist upon every one of you doing exactly the same thing, and leaving undone exactly the same thing as every other does." I will go to head-quarters. I imagine myself marching into Belgravia. I go into, I will say, St. Paul's, Knightsbridge. I find myself surrounded by churches of which I believe some are "High" and some are "Low." When Mr. Fuller was the respected minister of the church in Eaton Square, he good-humouredly said against himself that very unjustly they called his the "Slow" Church. I am told St. Paul's is now the centre of one of the most remarkable and powerful religious agencies at work in London. These churches—St. Paul's, St. Peter's (Eaton Square), Belgrave Chapel, and St. Michael's (Chester Square), and so forth, are all carried on with zeal and with perfect satisfaction to their congregations. All of them are attended by enormous and crowded masses of people, and no two of those churches agree exactly in their usages. I want to know why that should not be so? Why is every one of those churches to be made to conform to the others? Nay, not to the others, but possibly to some three distempered members of one of them, or not members at all, for they may not have entered the church, but who, having a notion or crotchet of their own, may move a suit under this Bill. Therefore, I say that, *primâ facie*, the object of this clause is not wise—It is not wise to say to the whole of the congregations of the country—some 15,000 in number—and many of them very large—"We will not care one rush for all those local usages and traditions around which your holiest feelings have grown up. We have enacted a law and set it forth, and have established a Judge at £3,000 a-year out of the money that might have gone to the curates of small livings, in order that you may all march, like the Guards, in the same uniform, with the same step, and to the same word of command, repressing all genial, intellectual, and spiritual life, and in a manner which, however it may glorify discipline, is fatal to that which is better than discipline, and that is freedom." The 8th clause is said to be qualified by the 9th clause, by which it is absolutely in the power of the Bishop to stop any movement of the three objecting parishioners. I do not underrate the im-

portance of the clause; I want to call the attention of the House in the closest manner to its legal operation. The Bishop has the power to stop an action. I have no favour towards Belgravia, nor have I any fear with respect to the general discretion of Bishops. It is easy to satirize them and find fault with them, but they are a most laborious and a most conscientious body of men, and I believe that, on the whole, they are in no ordinary degree a discreet and a wise body of men. But we have 27 or 28 Diocesan Bishops and Archbishops in England. The discretion of these Bishops is not collective, but single. Now, I want to know what security we have that every Bishop shall at all times be discreet, and then I want to investigate the consequences which would arise, and to expose those consequences to the view of the House, and to the view of the right hon. and learned Gentleman if at some period or other there should happen to be one Bishop who is not discreet. I have no individual in my eye; but I am making a general assumption. Even in a Cabinet of 16 Members, one Member may prove to be indiscreet, and it is a very fair allowance if I admit that 26 of the Bishops are certain to be discreet, but that there may be a fear as to the 27th. Even if all the 27 Bishops of the present day are discreet, still there will come some fussy Bishop, or some Bishop who loves power, or some Bishop who is fond of meddling or who does not join to discretion the quality of courage and who dare not say "No" when to say "No" would be unpopular. And therefore my anticipation and assumption is that at some time or other there will be an indiscreet Bishop. What will then happen? Not the archdeacon perhaps, possibly not the churchwarden; but, at any rate, three parishioners from some corner or other, connected, perhaps, with some aggrieved class, or having had a quarrel with the clergyman, or who possibly have been rebuked for offences against higher laws than ours, will move in a case of this kind and point out an illegality in the services of the parish church. The indiscreet Bishop says "Yes," and the suit goes on. It is judged by the official principal of the Archbishop of Canterbury, or the Judge who may be appointed under this Bill, and it is not appealed to the Supreme Court of Appeal we are about to estab-

lish in Westminster Hall. If it is not appealed it becomes absolute law for the time being, and if it is appealed it becomes absolute law after the appeal has been decided. Through the little door opened by the indiscretion of the one indiscreet or timid Bishop, there comes in a judgment which overrides the discretion of the 26 wise Bishops and runs absolutely through the whole Kingdom. Is it desirable, is it right, is it tolerable that should be done? I beg hon. Members to suspend their judgment on that question for a few minutes until I have pointed out to them the nature of the points which the three parishioners and the indiscreet Bishop may together send forward to receive a final judgment. Many persons less well-informed than the Members of this House are not aware of the number of illegal things done and legal things omitted to be done in the Churches of the English Establishment without suspicion, without offence, and without notice. I really do not know how to make my selection. Here I have a sample prepared with some care of the cases of illegality. In these cases, what is palpably illegal is done or what is absolutely obligatory is now omitted. I will not visit the House with the whole 18, and at the same time I do not very well know how to make my selection. I am not speaking off-hand nor with judicial authority; but there are points which, I think happily for us, have never been brought under judicial notice, and I hope they never will be. But I am speaking after having endeavoured to inform myself by consultations with persons learned in the law as to what would be in some instances the certain, and in others the almost undeniably certain, effect of the law. I hope many persons here present will be in church next Sunday at the afternoon service. What will they say if they find that in all churches, quite irrespective of their wishes, the children are called in and catechized after the second lesson? Yet the catechizing of children in every church and congregation is an absolute requisition of the present law, and it is almost universally neglected. Even in the churches where it is the most carefully observed, it is not observed according to the letter of the present law, for many clergymen think it unwise to overcharge children with extremely long services, and, there-

fore, they assemble and catechize them at appropriate services apart from the adult congregation. I say it would be most unreasonable and outrageous, because we do not want to encourage the excesses of Ritualism, that we should pass a law putting it in the power of an indiscreet Bishop or three parishioners to have catechizing enforced in one of the Sunday services according to the rigid rule. Again, numerous congregations of the Church of England have within the last 30 years taken a very valuable lesson from the Nonconformists and Presbyterians. The Hymnal is made an interesting and a valuable portion of the service, although formerly in my own recollection it was a scandal in 99 out of every 100 churches in the country. But it is unfortunately open to the gravest doubt whether, except at the end of the third Collect, the singing of any hymn whatever is lawful in the Church. It is not mentioned in the rubric, and all omissions are prescribed in the speech and in the Bill of the right hon. and learned Gentleman. Moreover, there is a dictum of the Judicial Committee of Privy Council delivered in the words of a very high authority as follows:—

“In the performance of the services, rites, and ceremonies ordered by the Prayer Book, the directions contained in it must be strictly observed. No omissions and no additions can be permitted.”

Shall we have the hymn in the Church of England brought to risk, and can we not contrive a law a little better than one which will sweep away much that is the most edifying and enlightening in the services of the Church? My references to this matter are quite impartial, and I will not hesitate to mention a subject which I trust will never be controversially discussed in this House—I refer to the case of the Athanasian Creed. There is, I believe, a considerable number of churches in which that creed is never read. Yes; but the rubric prescribes the reading of the Athanasian Creed at least 13 times a-year. I am not here to enter upon and define theology; but I may remark that nineteen-twentieths of the objections against the Athanasian Creed arise from ignorance that theology is a science, and that it therefore has a technical language which is liable to be grossly misunderstood by those who have never made it

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the subject of study. Well, there are many churches in which the Athanasian Creed is not read, and we are told that old George III. used to shut up his book when it was read in St. George's Chapel at Windsor. In the minds of many pious Christians the Athanasian Creed excites painful feelings. Yet, under the provisions of this Bill, an indiscreet Bishop, at the instance of three parishioners, might cause the reading of it to be made compulsory in every church in the county. This is a case which does not admit of the smallest doubt whatever. There is no ambiguity. The rubric is positive and absolute, and if that case is brought before a Judge, the Judge will doubtless give his decision honestly; for I reject—as the right hon. and learned Gentleman himself would reject—the idea that somebody is to wink at the Judge, and that the Bishops are to wink at each other, and do as they please. I am sure the right hon. and learned Gentleman would be indignant at being laid open to such an imputation. Although this is the law, and although I would resent any voluntary infraction of the law deliberately committed with an evil object in view, I would not take—and I really do not think this House will take—the responsibility of passing words under which an indiscreet Bishop and three parishioners could compel the reading of the Athanasian Creed in any parish. But this is not all. I must now pass to another clause in the Bill, and before doing so I would say that though there is something disagreeable in talking of these things in a public Assembly, the fault does not rest with those who are dragged into the discussion. There is the much-contested question in practice about the necessity for the single and separate delivery of the consecrated elements in the Holy Communion. There are many clergymen who have said, “Our communicants are so numerous that really we are compelled to administer the consecrated elements to a large number at one time,” and there are many others to whom that practice gives the utmost offence. They think it is intended to conceal a certain condition of Calvinistic doctrine, and it therefore creates the greatest offence. However, there is the plea of necessity, or at least of convenience and expediency, in support of this practice—for necessity cannot be urged in face of the fact that

there is a multiplicity of services and communions. I may say, further, that the practice is resorted to in cases where even the pleas of expediency and convenience cannot be made. I have, myself, within the past two years, and within 30 miles of London, seen a church with not more than 13 communicants, in which the clergyman did not deliver the consecrated elements singly to the communicants. I object, however, to interfering violently with the law and putting an end even to that practice all over the country irrespective of the feelings of the people or of local reasons. I can see no good to be got from the laws so ill-considered and ill-adapted to the purpose for which they are intended, and upon which it does not seem to have been worth while to spend that labour of the brain which all laws require in order that they may be good and work well. Therefore, when the right hon. and learned Gentleman admits that there is great anger in the country and hopes it will soon pass away, I say, on the contrary, that I have stated sufficient grounds for affirming that the country is only in the beginning of its troubles in this respect, and that it will be absolutely necessary, if this House is to retain its reputation for wisdom, as the first deliberative Chamber in the world, that it should carefully examine and scrutinize these ecclesiastical provisions which have come down to us as a state so crude, in order to prevent the monstrous mischief which it might otherwise produce in hundreds of congregations in the Church of England which have never been disturbed by a single wave of the agitation of the past 30 years. I think I have, at any rate, said something to prove that I was not speaking loosely when I said the right hon. and learned Gentleman had not opened to us his whole case. This is a matter so important that I have not scrupled to draw largely upon the patience of the House, and I can hardly think the House wants any more of my 18 instances to show the kind of inconvenience likely to arise from the operation of this Bill. But I would mention one, a minor instance, which is not to be compared with those I have already mentioned, but which is, at the same time, instructive. In every Church of England congregation in the land the prayer for the Church

Militant is by the rubrics ordered to be read. I remember that 30 years ago London was convulsed from end to end by an injudicious attempt to enforce the reading of this prayer in the churches made by a man whom I shall never mention without feelings of veneration—I allude to Bishop Blomfield, one of the greatest of modern Bishops, and certainly one of the most practical Bishops of this century. Some of the clergy resisted outright, others gave a half-hearted obedience, and a most painful state of things ensued, followed by an ignominious retreat. This circumstance illustrates the nature of my case. Bishop Blomfield did this mischief, but it cannot be said that he was an unfavourable specimen of the English or any other Episcopate. On the contrary, he was the man who first, with a vigorous arm, began to raise the Church of England from the degradation of 40 years ago, which some persons seem to have forgotten when they become impatient as to the troubles we now suffer. I wish every man in this House was as old as I am. ["No, no!"] If my young Friends had allowed me to finish the sentence, I should have said that I wish every man in the House was as old as I am for the purpose of knowing what was the condition of the Church of England 40 or 50 years ago. At that time it was the scandal of Christendom. Its congregations were the most cold, dead, and irreverent; its music was offensive to anyone with a respect for the House of God; its clergy, with exceptions somewhat numerous, chiefly, though not exclusively, belonging to what was then called the Evangelical school, and was then prosecuted as such, but not to the extent of being driven out by Act of Parliament—its clergy with that exception were, in numbers I should not like to mention, worldly-minded men, not conforming by their practice to the standard of their high office, seeking to accumulate preferments with a reckless indifference, and careless of the cure of the souls of the people committed to their charge, and, upon the whole, continually declining in moral influence. This is the state of things from which we have escaped; and when I hear complaints as to the state of things in the present day, I cannot forget the good which has been achieved by the astonishing transformation that has come over

the character of the clergymen of the Church of England. That change makes it now almost a moral certainty that whenever you go into a parish you will find the clergyman a man who, to the best of his ability and with little sparing of his health and strength, is spending morning, noon, and night, upon the work of his calling; teaching the young, visiting the sick, preaching the Word, and conforming as far as he can to the model his Master left for him to follow. Is it not well, then, to have a little pause and deliberate carefully before rushing too wildly into a course which may break up a state of things in which so much good has been done? With regard to what are called the cumbrous processes in the Archbishops' and Diocesan Courts, I cannot speak in detail. All I can say is that I am very willing to have a good system of procedure, but let such procedure be directed to good objects. My contention is broad, clear, and plain. I say it is not a good object, with respect to a law more than 200 years old, and in carrying out which there is a variety of practice, to rush in with a high-handed Act of Parliament and cast aside all regard to what has prevailed through many generations in order to substitute an uniform rule of observance in cases where the proper limits were in the first place fairly fixed. For many reasons I shall not trouble the House at much greater length on the present occasion. One of these is that if this Bill proceeds it will be necessary to raise the whole question involved in it much more largely than it has been by the right hon. and learned Gentleman in charge of the measure. I, for one, will make no objection to any expenditure of time which the House is prepared to make in order to discuss the question; I will not be the man to raise the cry of difficulty or inconvenience; but I shall be the man from stage to stage of the Bill, as far as it may be necessary, to point out the real nature of the work we are doing, to endeavour to assist the House in sifting these proposals to the bottom, and in dissipating and dispelling the gross illusions which possess the country and, to a great extent, as it appears to me, possess the mind of the right hon. and learned Gentleman, with regard to the provisions and probable operation of the Bill. I spoke of Bishop Blomfield as the man who did a great mischief to the

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Church in the case of the prayer for the Church Militant, and now it is proposed to force the reading of that prayer upon the Church wherever there may be an indiscreet Bishop. But it is not alone in the case of indiscreet Bishops that this may arise. There may be good and wise Bishops, in other respects, who may make this particular error, and by occasionally treading awry may land the Church in extraordinary and unnecessary difficulty. I think I have shown the House that inconvenience must arise from the very first slip of judgment on the part of a Bishop who may allow an improper suit to proceed. Well, then, the House may say fairly—"Do not you think something ought to be done?" and I think the idea that something ought to be done is what weighs upon the minds of most men. I will tell you what I think ought to be done in principle. The House can do nothing without acknowledging how much we owe to the great mass of the clergy of the Church of England for their zeal and devotion. For 18 years I was a servant of a very large body of them. My place is now most worthily occupied by another; but I have not forgotten, and never can forget, the many sacrifices that they were always ready to make and the real liberality of mind which upon a thousand occasions they have shown. But even that is a thing totally insignificant in comparison with the work which they are doing. You talk of the observance of the law. Why, Sir, every day and night the clergymen of the Church of England, by the spirit he diffuses around him, by the lessons he imparts, lays the nation under a load of obligation to him. The eccentricities of a handful of men, therefore, can never make me forget the illustrious merit of the services done by the mass of the clergy in an age which is beyond all others luxurious, and, I fear, selfish and worldly. These are the men who hold up to us a banner on which is written the motto of Eternal Life, and of the care for things unseen which must remain the chief hope of man through all the vicissitudes of his mortal life. I do not think the House can be asked to refuse to deal with this matter; but I will point out two classes of difficulties with which we have to contend. The first is in reference to the illegality of proceedings in which there appears to

be a design to sap the established religion of the country. I know well the feeling of this House to be one of honest jealousy of all efforts by means of secret and unobserved processes to alter the religion of England. But beyond that there is another evil which you ought to keep in view. I do not hesitate to say that legality in some cases is an evil—that is to say, that in cases, innocent in themselves, where the habits of congregations are fixed, and where there have been omissions under the ancient rubrics, it would be utter folly to tell every clergyman of every parish, without consulting the wishes of his parishioners and the members of his congregation, to make everything exactly square with this ancient law. Why, most of the excitement which has existed in this country during the last 40 years has arisen from the endeavours of clergymen hastily and precipitately to revert to the practices prescribed by the ancient law of the Church. Take the old controversy about the surplice in the pulpit. The surplice is, no doubt, the legal vestment; but it convulsed the city of Exeter, and might even have led to bloodshed. I would not be responsible for reviving what is now in many instances the dead corpse of legality itself as against expediency and long usage. Apart, therefore, from provisions of legality, I should like to see provisions against all precipitate and sudden change which might be introduced on the sole will of the clergyman against the general feeling of the people. These are, in my opinion, rational subjects of legislation. If the right hon. and learned Gentleman will so reconstruct his Bill as to give it a bearing on those subjects, I shall be very glad; but I have no evidence that he has, by any means, advanced to that point in his examination of the question. These dangers may seem to him to be visionary; they seem to me to be of the most serious nature, and I may say that, knowing what is the state of misapprehension in the country, I have come to the conclusion that the safest course I can take is to lay on the Table of the House what appears to me to be the two dividing lines for the conduct of our proceedings on this matter. I will not now attempt to enforce them, even if it were in my power and I were so disposed, for the ground is pre-occupied; nor will I say

anything as to what ought to be done at the present moment. But I have on this subject the feeling that we are treading on the edge of a precipice, and that we may, if we do not take care, rush into the midst of serious evils, compared with which everything that we are suffering is really too insignificant to be thought of for a moment. I hope the House will not deem me presumptuous if I have put into the form of Resolutions what I think are the principles by which legislation on this subject ought to be guided; and in case this Bill proceeds, I would give Notice that, on the Motion that the Speaker do leave the Chair for the House to go into Committee on this Bill, I shall distinctly raise the issue on these grounds—grounds which I admit are of considerable breadth, but which I have endeavoured to explain in the remarks which the House has received so kindly. Perhaps I may be allowed to read the Resolutions, which are six in number, to the House. They are these—

"1. That in proceeding to consider the provisions of the Bill for the Regulation of Public Worship, this House cannot do otherwise than take into view the lapse of more than two centuries since the enactment of the present Rubrics of the Common Prayer Book of the Church of England; the multitude of particulars embraced in the conduct of Divine Service under their provisions; the doubts occasionally attaching to their interpretation, and the number of points they are thought to leave undecided; the diversities of local custom which under these circumstances have long prevailed; and the unreasonableness of proscribing all varieties of opinion and usage among the many thousands of congregations of the Church distributed throughout the land.

"2. That this House is therefore reluctant to place in the hands of every single Bishop, on the motion of one or of three persons howsoever defined, greatly increased facilities towards procuring an absolute ruling of many points hitherto left open and reasonably allowing of diversity; and thereby towards the establishment of an inflexible rule of uniformity throughout the land, to the prejudice, in matters indifferent, of the liberty now practically existing.

"3. That the House willingly acknowledges the great and exemplary devotion of the Clergy in general to their sacred calling, but is not on that account the less disposed to guard against the indiscretion, or thirst for power, or other fault of individuals.

"4. That the House is therefore willing to lend its best assistance to any measure recommended by adequate authority, with a view to provide more effectual securities against any neglect of or departure from strict law which may give evidence of a design to alter, without the consent of the nation, the spirit or substance of the Established Religion.

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"5. That, in the opinion of the House, it is also to be desired that the Members of the Church, having a legitimate interest in her services, should receive ample protection against precipitate and arbitrary changes of established custom by the sole will of the clergyman and against the wishes locally prevalent among them; and that such protection does not appear to be afforded by the provisions of the Bill now before the House."

For the right hon. and learned Gentleman will see that it is a part, and a large part, of my objection that a great number of these rash and precipitate changes will have to be made under the provisions of his Bill as they stand, and my contention is that they should not.

"6. That the House attaches a high value to the concurrence of Her Majesty's Government with the Ecclesiastical authorities in the initiative of legislation affecting the Established Church."

I have pointed out what appears to me extremely broad objections to the present form of the provisions of this Bill. I thought it would hardly be fair on my part towards the right hon. and learned Gentleman if I confined myself to objecting merely. I have therefore laid down as well as I could, in a positive form, my own views upon the matter. I intend to place these Resolutions upon the Table of the House; and I most earnestly hope that whatever may happen to this cause, so vital to the welfare of the country, the blessing of the Almighty upon your labours may conduct them to a happy and prosperous issue.

MR. FORSYTH said, he belonged to no party in the Church, neither high, broad, nor low. He was simply a sincere and devoted member of the Church of England, and if he thought this Bill had the slightest tyrannical or persecuting tendency he would be the first to oppose it. The course he was about to take that night would, he was fully aware, give pain and offence to many whose good opinion he had hitherto enjoyed. He was willing to believe that the High Church clergy had acted according to their consciences in introducing the practices they had done; and he had received letters from various quarters threatening him with the loss of his seat if he voted for the Bill. He would only say that these threats would have no effect whatever upon the vote which he should give. If he thought the Bill was in the least degree intolerant—if it created a new ecclesiastical offence—he would give it his most strenuous opposition. But to

his mind it was simply intended to enforce the existing law in a simple, summary, and inexpensive manner. All this Bill proposed to do was to substitute a speedy and a cheap tribunal for the cumbersome, complicated, and costly machinery by which these offences could now only be dealt with. That was his answer to the right hon. Member for Greenwich (Mr. Gladstone), who stood forward as the champion of illegality as regarded the Church and did not want to enable them to vindicate the majesty of the law. He could not conceive how a Bill could be drawn in a fairer or more just spirit than the present. It applied alike to offences which might be committed by the clergymen of the High Church and of the Low Church, and he thought that the impartiality of its scope and its views ought to commend it to the cordial support of the House. The great objection hitherto entertained by the parishioners to the practices with which the Bill proposed to deal was, he believed, that they were contrary to law; but when the law was once made clear, any agitation which might arise would be directed to procure its alteration or to have the rubric set aside. He concurred with the right hon. Gentleman the Member for Greenwich in objecting to the source from which the salary of the Judge was to come, for he did not wish to see one farthing taken from the fund which was devoted to the aid of poor livings. He also objected to so small a number as three parishioners being allowed to set the machinery of the Bill in motion, and on both of these points he had given Notice of Amendments if the Bill went into Committee. The fact, he might add, that the appointment of the Judge was placed in the hands of the Archbishop, and also the provision with regard to the institution of a suit on which the Bishop might exercise a veto, showed something like consideration for the feelings of the clergy. Indeed, he believed the Bill was opposed very much through misapprehension of the speech which had been made by the Primate in the other House of Parliament, and the changes which it underwent in its passage through that Assembly. But he should like to know how many of the clergy who had signed Petitions against it had read it as it now stood. If they had read it, their views with regard to it would, he thought, be very much modified. Whether the measure

would work ill or well would, he was satisfied, depend very much upon the conduct of the leaders of the Church themselves. If they practised the obedience which they were bound to teach their flocks, all agitation would, he was assured, subside, and the Church would be able to address herself, not to matters of mere posture and ceremony but to the task of fulfilling her noble mission, which was the preaching the Gospel to the poor and the endeavour to evangelize the world. He should vote for the second reading of the Bill.

Mr. W. GORDON, as the Representative of a large and important metropolitan constituency (Chelsea), said, he concurred with the views expressed by the hon. and learned Member for Marylebone (Mr. Forsyth). He believed the Bill was one which would tend to advance religion and benefit the people, and he should be deterred by no threats from giving it his support. Did he imagine for a moment that it would lead to persecution, he should be the last man in the world to say a word in its defence. He regarded it, however, as being nothing more than a measure for simplifying procedure and diminishing expense. Indeed, there was not, so far as he could see, one single clause in the Bill which did not place the clergy in a better position than that in which they now stood, for, under the Church Discipline Act of 1840, the same machinery as that which it was now proposed to establish might be set at work at the instance of any individual whatsoever, or even by a stranger to the parish; whereas, under the provisions of the Bill under discussion, action could be taken only on the motion of three parishioners—a number which, perhaps, it would be desirable considerably to increase. It was true, as had been observed by the right hon. Gentleman the Member for Greenwich, that the measure had undergone great changes in its passage through the other House; but then it had left that House with the sanction of the highest clerical and legal authority, and surely it deserved, under these circumstances, the greatest respect at the hands of the House of Commons. The right hon. Gentleman had described the Bill before the House as a measure calculated to control the liberty of the congregation. In his opinion, it would not; but it would enable the congrega-

tion to control the licence of a small section of the clergy. A strong feeling had grown up in the country that something should be done to check what had occurred in so many parishes where zealous clergymen have thought it their duty to make unwise changes in the conduct of the services of the Church, giving great offence to the congregation and the people of the parishes generally. That was a course which no clergyman should be allowed to pursue without attention being called to his conduct. There seemed to be great jealousy in the House on the subject of the increase of the power of the Bishop; but what the Bill did was to give the Bishop power to prevent unnecessary litigation. For his part, he would be no party to the measure if he believed it would, or could, be used as an instrument of persecution; but, holding that it was simply a measure to facilitate procedure in cases instituted against clergymen who gave grave cause of offence to their parishioners, he heartily supported the second reading of the Bill.

MR. HOLT said: Mr. Speaker, the House is aware that some weeks ago I obtained leave to bring in a Bill, the object of which is somewhat similar to that now under consideration. My Bill has been postponed from time to time, in the expectation that we should be called on to consider the measure now before us; and under the conviction that the House, knowing the origin of the present measure, would very properly be disposed to give it precedence. I am aware that it would be out of Order to discuss the details of my Ecclesiastical Offences Bill at this time; but I may be permitted to say that it is not to be regarded as a rival, but as an alternative scheme. Though I think the mode of procedure which I am prepared to recommend to the House avoids some of the difficulties inseparable from this measure, and some of the objections raised against it, yet when I see the form it has assumed on its arrival in this House, I am prepared to give it my cordial support. I am not wedded to my own Bill; but I am ready to do what lies in my power to aid, in its passage through this House, any Bill which will effect the object I have in view, that is—which will contribute towards the maintenance in unimpaired vigour in this country of those primitive, scriptural, truly Catholic, and therefore Protestant

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principles which regulated the Reformation of the English Church. It is a characteristic common to all measures on important subjects, that they are open to objections from some quarter. We have had sundry objections raised to-night against this Bill. I have heard some of them with surprise. The hon. Member for the City of Oxford (Mr. Hall) complained that under this Bill power would be given to one man—the new Judge—to imprint his own private views and opinions upon the Church. Is it possible that the hon. Member has ever read the Bill? Provision is made for an appeal to the Queen in Council, and it is perfectly absurd to say that any such powers will be given to one man. Again, a right hon. Gentleman opposite (Mr. Knatchbull-Hugessen), says that we ought to consult the clergy in questions affecting themselves; but he must remember that the Bill before us is simply designed to enforce the law which the clergy have promised to obey; and I cannot admit that Parliament is bound to consult any class as to the manner in which obedience shall be enforced. The hon. Member for the City of Oxford has moved an Amendment to the Motion for the second reading of this Bill. Sir, I regard the Amendment of the hon. Member as nothing else than a pretext for delay. The hon. Member says—“Wait; you admit that the rubrics are capable of amendment; revise and amend them before you attempt to enforce them.” His argument is plausible. To some it may appear forcible; especially to those who desire to get rid of the Bill. For my part, I call it a specious attempt to draw the attention of the House away from the question before it. The question before us involves the acceptance or the rejection of a proposal to simplify proceedings in ecclesiastical causes. No one can deny that some reform of our present mode of procedure is necessary, and I submit to the hon. Member for Oxford that no revision of the rubrics will render our present course of procedure less cumbrous or expensive. Whatever may be the rubrics of the future, it can be no disadvantage to have an easy means of enforcing obedience. But how long are we to wait? What is the revision for which we are to wait? What are the rubrics which, in the opinion of the hon. Member for Oxford, it would be inconvenient to en-

force? It will generally be admitted that amongst the most important rubrics which are open to revision are the ornaments rubric and the rubric affecting the position of the minister during the consecration of the sacred elements in the administration of the Holy Communion. Yet these are the rubrics which the Ritual Commissioners left untouched. The Ritual Commissioners sat for three years, but did not agree upon any alteration of these rubrics. Is it likely that Convocation will speedily effect alterations, acceptable to the clergy and approved by the laity? Moreover, Convocation by no means so accurately represents the clergy that its decisions will be accepted without question. It is evident to me that the hon. Member invites us to enter upon a long, difficult, and tedious business; and that the rejection of the Bill for the reasons assigned by the hon. Member practically means an adjournment of the question *sine die*. But the hon. Member may ask, why not? I reply, Sir, because the reasons in favour of that course are weak, and the reasons against it are strong and forcible. I submit to the House that the passing of this Bill will not prevent a revision of the Prayer Book, if it be necessary. I have not hitherto been in favour of revision. I do not now speak as an opponent of revision, for I am not prepared to say that we can ultimately avoid it. I do say the necessities of the moment require some such measure as this, as a clear indication of the mind of the Legislature, that law and order must be upheld in all the institutions of the country; that the rubrics, where of doubtful meaning, are to be interpreted by the proper Courts, with an appeal to the Queen, as Head of the Church; and that a revision of the Prayer Book is not to be undertaken rashly by individual clergymen, according to their own fancies; but, after due deliberation, and by competent authority. Sir, I desire to follow the example of previous speakers, and to avoid any expressions which can give just cause of offence; but the course adopted by the hon. Member for Oxford compels me to put what I believe to be the issues at stake plainly before the House. I maintain that the position of affairs is one which will not admit of delay without serious consequences. There has been too much delay already. It has already

been clearly shown that the question immediately before the House is whether the mode of procedure in ecclesiastical cases is to be simplified. But, Sir, there is a larger question than this in the background. The question at issue in the country is whether the work of the Reformation is to be undone. Attempts are being made to undermine the existing order of things. Attempts are being made in defiance of all authority—in defiance of rubrics, and canons, and articles, and homilies, and Bishops, and Courts of Law—to restore what is called “the Anglo-Catholic system of the middle ages.” I support the Bill, not because it is perfect, but because by an amendment of legal procedure in ecclesiastical causes, it tends to the protection of existing Ritual—a Ritual which was established at the Reformation, revised at the Restoration—which has been voluntarily accepted by the clergy for 200 years, and is deeply rooted in the affections of the people. Now, when I say that attempts are being made to undo the work of the Reformation, I desire it may be clearly understood that I bring no charge against any of the traditionally recognized parties in the Church. I speak of the action of certain individuals who may be sufficiently numerous to be called a party, but of whom I do not wish to speak as a Church party in the ordinary sense, because I believe they have no *locus standi* in the Reformed Church of England. I protest against their being confounded with the High Church party. If there be individual members of that party who sympathize with these men, there are other members of the party who do not sympathize with them—who repudiate and condemn them. I maintain that it is most mischievous to confound the lawless party with the High Church party; and in behalf of friends of my own, who claim to be High Churchmen, I protest against it. Sir, I cannot speak of men as a party in the Church whose practices have been condemned by the Courts of the Church, condemned by the Bishops, condemned by Convocation, and condemned by the voice of the majority of Churchmen. And now, Sir, I would offer some proof to substantiate the statements I have made. Churchmen may be expected to accept the authority of the Archbishops on this point. About 12 months ago the Archbishops of Can-

terbury and York expressed, in reply to an address presented to them, their deliberate opinion to this effect—

"There can be no doubt that the danger you apprehend of a considerable minority both of clergy and laity amongst us desiring to subvert the principles of the Reformation, is real."

This might be confirmed by the opinions of other Members of the Episcopal Bench; but I prefer to give the House some extracts from the current periodical literature, circulated by these gentlemen, and some utterances of the chief offenders. The *Union Review* says—

"The work going on in England is an earnest and carefully organized attempt, on the part of a rapidly increasing body of priests and laymen; to bring the Church and country up to the full standard of Catholic faith and practice."

Similarly, *The Church Times* writes—

"We are contending, as our adversaries know full well, for the extirpation of Protestant opinions and practices, not merely within the Church itself, but throughout all England."

Then let the House note the opinions expressed by some of the leaders in the movement. Take an extract from an essay in the *Church and the World*, by the Rev. E. L. Blenkinsopp—

"The whole purpose of the great revival has been to eliminate the dreary Protestantism of the Hanoverian period and restore the glory of Catholic worship. Our churches are restored after the mediæval pattern, and our Ritual must accord with the Catholic standard."

Further, the Rev. O. Shipley, in the *Four Cardinal Virtues*, writes—

"Consider how much has to be done ere we substitute our Conquest over Protestantism, or still more ere we re-Catholicize the Church of England. . . . We have to make confession the ordinary custom of the masses. . . . We have to restore the religious life, to say mass daily, and to practise reservation for the sick."

And, once more, the Rev. G. Nugee, in his evidence before the Ritual Commission, in reply to a question, said—

"Our object and desire is to restore the Church of England, in her beauty and in her Ritual, to what she was before the Reformation."

These extracts show that the position of affairs is sufficiently alarming to justify immediate action on the part of this House, and I beg the House to bear in mind that delay is just what these men want. Delay and supineness on the part of the friends of the Reformation will afford them an opportunity to prosecute their designs and to strengthen their position. It is this which makes the situation so grave, and the action of Parliament of such importance. The

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House will see that the controversy which renders an immediate reform of ecclesiastical procedure a thing of urgent necessity, is not one of those party struggles about the precise meaning of theological terms with which we are unfortunately familiar, nor a local, temporary disturbance arising from some trifling difference of opinion; but a deliberate endeavour—I think I might call it a conspiracy—to destroy the character imprinted on the Church of England at the Reformation. It is in defence of the Reformation that the assistance of Parliament is invoked. On the platform of the Reformation I would take my stand. I do not seek to narrow the area of that platform; but I desire to see full effect given to the principles and practices then established in the Church. It is as the Reformed Church of England that she occupies the place she holds in the affections of the people. It is because the clergy have accepted the standards set up at the Reformation that they enjoy the position they hold in this country. The people of England ask that to secure the continuance of the principles of the Reformation, the standards then set up shall be maintained; that the reformed Ritual shall be preserved; that ambiguous rubrics, when necessary, shall be interpreted by authority; and that when so interpreted, obedience shall be enforced. The people of England look to the rulers of the Church to see this done. In their turn, the Bishops come to Parliament. They now ask for our assistance. They ask not that a new law may be imposed on the clergy, but that means may be provided to enforce obedience to the law as it now stands; to enforce that respect for law which is essential to the existence of order in any community. We are no strangers to the evils of which complaint is made. We have before us a remedy approved by the Bishops and by the House of Lords. Let us put aside with a firm hand frivolous objections and pleas for delay, and apply ourselves to the consideration of the measure, so as to make it as good as possible, conscious that a grave responsibility will rest on this House, if we refuse to read this Bill a second time.

Mr. HEYGATE said, that although he had arrived at the conclusion that he ought to support the second reading of the Bill, he had not done so without considerable hesitation and reluctance.

These feelings, however, did not arise from any doubt as to the necessity or advisability of such a measure; but because he could not fail to perceive that there were great anomalies and uncertainty in the present condition of the law. Great misapprehension existed with respect to the probable effects of the measure. It might be supposed from what had been said that the Bill was tyrannical and unjust, and interfered with the doctrines of the Church; but looking carefully at its provisions, he believed that those fears were founded on misapprehension. One cause of the misapprehension which existed had arisen from the fact that its title was the *Public Worship Regulation Bill*; whereas its real object was not the regulation of public worship, but the better administration of the law with respect to the regulation of public worship. It had been a subject of general complaint that the Bishops had not exercised their authority in putting down Ritualistic extravagances, and they had been told on all hands, that if the law was not strong enough it was their duty to ask for more stringent powers. So far, therefore, from manifesting undue eagerness, the Bishops had no choice in the matter, and were only asking for powers to do that which they were required by public opinion to perform. It was true that some strong representations against this Bill had come up from the provinces, but they were not altogether on one side. In the diocese of Peterborough, with which he was connected, an annual Diocesan Conference was held, which might fairly claim to represent the Church of England in that diocese, seeing that it was composed of about 300 representatives, both lay and clerical, gathered together from every rural deanery in the three counties. When the Bill was first introduced into the other House, the Bishop of Peterborough asked the Conference to give the measure its consideration, and after considerable discussion, though various Amendments were moved, all of which recognized the necessity of some action, an unanimous resolution was eventually passed that the Conference approved the main principles of the Bill. It might be admitted that Convocation only imperfectly represented the clergy and laity, but many of its deliberations had been conducted with

ability, and he should have been glad if this measure had been founded in a greater degree upon the sentiments expressed in Convocation. It was urged with great truth that the House of Commons was unfit for the discussion of questions of a religious character. The last Parliament would, no doubt, have been fatal to the passing of the present or any other Bill on the same subject; but if there had been a Parliament since the first Reform Bill which might be safely trusted to legislate herein it was the present Parliament. It was a golden opportunity for Churchmen to put their house in order, of which they ought to avail themselves, and he trusted that the good feeling of many Nonconformist Members would lead them to refrain from throwing obstacles in the way of Churchmen who were favourable to the Bill. With respect to the clauses, he had some doubts about the power given to three parishioners. Such a power was not safe unless an absolute veto were placed in the hands of the Bishop of the diocese. The only serious objection which the late Prime Minister had discovered to the Bill was that possibly there might be found one indiscreet Bishop who would have to enforce the law. He believed that the common sense and discretion of the Bishops would prevent any injustice to the incumbents. He thought that the parishioners ought to be residents, and he was anxious that one of them should be a Churchwarden. The sanction of the Bishop was the keystone of the Bill, and it was a question of confidence in the Bishops. He was astonished to find how little confidence certain High Churchmen were disposed to place in the Bishops. They objected to their appointment by the Minister of the day; but no Prime Minister could afford to neglect public opinion. For himself, he preferred that the Bishops should be chosen as at present rather than see them elected as in the Irish Church, and he knew that was the opinion of the majority of Irish Churchmen. If this Bill became law he was prepared to place confidence in the Bishops to carry it into effect. They might not be better than other men, but they lived so completely in glass houses and before the world that they were compelled to be fair and impartial. The appointments of Dr. Hampden and Dr. Temple were the

two appointments most found fault with in modern times; but what had been the result with regard to those right rev. gentlemen? He believed they had acted in a fair and impartial manner in regard to all classes of the clergy. One of the serious objections which he entertained to the Bill as it stood, was that the salary of £3,000 a year was to be abstracted from the funds at the disposal of the Ecclesiastical Commissioners. No funds were more usefully expended than the new grants for the endowment of churches in populous places in England, and he feared the abstraction of this sum annually would very much interfere with those objects. He hoped, if the Bill was allowed to proceed, some better mode of defraying the expenses of salaries would be provided. His right hon. and learned Friend (Mr. Russell Gurney) had been a little hazy on the subject of fees; but if these fees were to arise from the administration of this Bill he feared what some of its enemies said of it must be true—that it would lead to a considerable amount of litigation. He asked his Friends who opposed the Bill on that side of the House to consider by whom they were mainly supported on the other side. When he saw that the most formidable Notices against the Bill stood in the names of the hon. Member for Huddersfield (Mr. Leatham) and the hon. Member for Swansea (Mr. Dillwyn), it was to him an extraordinary thing to find hon. Gentlemen who were friends of the Church coquetting with those Liberationists. The hon. Members for Huddersfield and Swansea had often pointed to the scandals and abuses of the Church, and when a Bill was introduced to remedy those evils they should give their assistance for their removal. He had no wish to limit the comprehensiveness of the Church of England. There had been for some time three distinct classes of religionists within her pale, and he wished that state of things might long continue. It would be unwise to restrict and limit the Church to one particular class of opinion, or the conduct of its services to one particular stereotyped system. Much allowance, too, should be made for the late increase of æsthetic taste throughout the country. Even the Dissenters were taking to stained glass windows and other decorations of their ecclesiastical fabrics. But allowing

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every latitude, there must be a line drawn somewhere, and he thought a National Church could not be conducted, as the late Prime Minister suggested in his Resolutions, on Congregational principles. They could not have a Pope in every rectory, nor could they allow every Churchman to be a law unto himself. The Church had a wide and noble field before her. The self-denying labours of the clergy were never more conspicuous than at present, but the Church had much to do; much ground remained still uncovered by her; and if she was to wage that war it was her duty to wage with the great enemies of civilization—intemperance, indifference, unbelief—with vigour and effect, she must at least be enabled to show to her enemies an united front, and, by a wise reform in the administration of her laws, afford the best evidence of her historical continuity by the union of Evangelical truth with Apostolic order.

MR. DILLWYN said, he was rather surprised that the right hon. and learned Gentleman who moved the second reading of this Bill had not dwelt more on the abuses which the measure proposed to remedy. He fully agreed with his right hon. and learned Friend in condemning the abuses which had been referred to; but he thought more might have been said with regard to some of the prevailing practices—practices that seemed to him to be not only subversive of the Protestantism they all professed, but which tended to sap the independence of free thought throughout the country. They had been told in “another place” that these practices amounted to nothing short of mutinous conduct and treason against the Church, and dishonesty as between man and man. Such charges were not made by members of the Liberation Society, but by the highest dignitaries of the Church of England, and nobody doubted but that they were substantially correct. The Archbishops and Bishops had brought forward the Bill with great reluctance, and too tardily; and if they had required more charges to justify them there were plenty at hand, for they had adduced only illustrative and not isolated cases. Any hon. Member could satisfy himself of the truth of the charges by visiting the churches within two miles of that House on Sunday next. He should be glad to see these abuses remedied, but he was

not quite satisfied with the mode in which it was proposed to remedy them by this Bill. He did not think it would remedy the evils complained of, but if it did, it would lay down principles in our legislation which he could never agree to. He thought the Bill was dangerous in itself; and he should support the Amendment of the hon. Member for Oxford (Mr. Hall), because it was likely to delay the Bill, and because delay was likely to involve defeat. He repudiated the idea of consulting Convocation on the subject. He entirely demurred to the definition of a parishioner which was given in the definition clause, because he held that a man might not belong to the Established Church and might yet be a parishioner. For instance, a man with a large family of daughters might have been driven away from the church by the introduction of the Confessional, of priestly absolution, and of fantastical mummeries; but his parents might be buried in the church, he might have been married in it, and he might have other associations with it, and he ought not to be excluded from the rights of a parishioner—if the Church was to be regarded as a National Church—simply because he had protested against objectionable practices. There was so much narrow ecclesiasticism in the Bill that it could not be sufficiently amended in Committee. Assume that three parishioners complained of the invocation of the Virgin or of Saints, or of the Confessional, and that they addressed themselves to a Bishop of Ritualistic proclivities, he would probably ignore their representation, the practices would go on, and there would be no remedy. If practices were contrary to ecclesiastical law there ought to be absolute power, independently of the discretion of the Bishops, of putting the law in force. They were excellent masters, but that was a different thing from being judges in their own case. In nine cases out of ten, persons would agree, in order to save expense, to refer a complaint to the Bishop; and he objected to this reference. He also objected to the Bishops appointing the Judge. Why should the Judge be appointed in a different way from other Judges of the land? This was simply going back to the state of things which existed before the Reformation, and substituting an ecclesiastical for a civil tribunal. It almost seemed as

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mercy of the careless and negligent, as well as of the most daring innovators, that he was anxious for a measure by means of which the law which governed these matters might be enforced. Much had been said about alteration of rubrics, about disregard of conscientious scruples, and such like; but these arguments were wholly irrelevant, and, after the Lord Chancellor's conclusive exposition of the effect of the Bill, it was marvellous that they should be constantly reproduced, as they were to this hour, in the correspondence with which he had, in common, no doubt, with all other hon. Members been favoured, not to say flooded, on this subject. True it was, that nothing was a greater proof of the subservience and miserable condition of a people than the multiplication of new offences in the Statute Book; but he had never heard of the law-abiding portion of a community feeling agrieved at enactments such as many which had been passed during the present century, for simplifying and and cheapening the administration of the law. And he need hardly say that the present Bill did no more. ["No."] It might be questioned whether it did this effectually, or in the best way; but it certainly did no more. It gave no more power to parishioners to worry the clergymen, nor to the Judge to settle abstruse questions of doctrine than they at present possessed. His own belief was that it would be a great protection to a moderate incumbent against that terror of the clergy—the ignorant, conceited, and litigious parishioner. In the present state of the law, that extremely unattractive individual had the business and amusement of a lifetime before him. He became an eminent man; the head of the anti-parson party as long as he pleased. But when questions which arose between the incumbent and his parishioners, or a portion of them, could be expeditiously and cheaply decided, he believed that both parties would generally—for there would, no doubt, be exceptions—be satisfied, and that peace would be restored to the parish. More than this, he believed that when the inhabitants of a parish were sure of their position—when they knew that variations in ritual could not go with impunity beyond a certain point, inasmuch as the remedy had been made easy, they would be far less likely to start at unimportant innovations, which they now regarded with alarm, as

precursors only of what might give offence, and as indicative of unsound doctrine. In this way a voluntary uniformity might be brought about, and extremes meet. He had heard moderate clergymen of what was called the Low Church say, that they would be glad to introduce changes of which themselves and most of their congregation approved, but that as long as these were considered badges of party, the thin end of the wedge, and a step towards Popery, they were obliged for the sake of peace to content themselves with the barest and most unattractive of services, lest in their endeavour to add to their congregations, they should lose them altogether, and empty their churches. And could any one say that some better security was not needed? Not only was it the fact that no man could tell whether at the next avoidance of a living, or on changing his abode from one parish to another, he might not suddenly pass from a service scarcely to be distinguished from that of the Dissenting chapel, to a service which would lead him to suppose that he was present at the celebration of Mass. But more than this. The patron of a living had no security against a change of practice in the same person; no security that a clergyman appointed on account of the moderation of his views might not modify those views, and adapt his practice to his newly-formed opinions. Hon. Members knew that this was not a mere hypothetical case. When a Member of Parliament altered his opinions on vital questions, it was considered a point of honour that he should place his resignation in the hands of his constituents, and even if he did not think it necessary, the law would give his former supporters an early remedy. When the Scottish ministers left their manse and parishes, the whole country honoured their consistency. But that did not seem the case here. We were threatened, indeed, with wholesale secession if this Bill passed, but there had been very few individual instances of it. And what had been the consequence? Why, that in many country parishes, where the congregations had not the same remedy that they had in Belgrave, which had been instanced by the late Prime Minister, the grievance had become intolerable, causing a feeling of exasperation which had displayed itself in proposals to make appointments to

Mr. Stephen Cave

lowed the old precedents which supported the course which he recommended. When this Commission was appointed they were led to suppose that Convocation would be consulted before legislation took place. He felt satisfied that if the Church was in any danger the clergy would rally round it and stand by it, and he complained that they had not been taken more into their councils. Until they were consulted it was impossible to decide if the subject was ripe for legislation. This very week the House had discussed the Church Patronage Bill for Scotland, and it was recommended upon the ground that it had received the sanction of the General Assembly of the Church. Why was not the plan which was good for the Church of Scotland good also for the Church of England? Had they carried with them the opinions of the clergy, legislation would have become perfectly easy. Was this Bill one which really expressed the ripe judgment and mature opinion of the Archbishops and Bishops of the Church? It had undergone considerable changes, and in its present shape it had never been seen by Convocation. They really did not know whose Bill it was, though some people said that it was the Bill of a noble Earl who was by no means friendly to High Church opinions. With regard to the proposition that a Judge should be appointed, at an annual salary of £3,000, the number of ecclesiastical cases tried by the Court of Arches during the past seven years was 26; or, in other words, not four a year. Was it worth while, then, to appoint a Judge at a salary of £3,000 a-year to try about four cases a-year? And let it be assumed that that Judge would have a great deal of work to do, what would be the result of his doing a great deal of work? The result would be a break-up of the Church of England. If these matters should be dealt with at all, they should be dealt with in a comprehensive way; but if this Bill passed there would be three Courts for the trial of ecclesiastical cases—namely, the old Consistorial Courts, the Courts set up under the Church Discipline Act passed in 1840, and the new Court which would be set up by this Bill. That was not the principle on which the House acted last year, when they passed the Supreme Court of Judicature Bill for the Amalgamation of the Courts of Law and Equity.

As to the salary of £3,000, which the Bill proposed should be given to a Judge to try ecclesiastical cases, he quite agreed with what the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) had said against the appropriation of funds which had been devoted to the relief of spiritual destitution to the payment of that Judge's salary. He was surprised to hear the right hon. and learned Gentleman the Recorder say that this was a proper application of that fund, and, in support of this opinion, to assert that at present Bishops' Chancellor's were paid out of it.

MR. RUSSELL GURNEY admitted that he had made a mistake in this, though, of course, he was not aware of it at the time.

MR. MOWBRAY: But the whole argument of the right hon. and learned Gentleman followed from this statement, because this was the precedent from which he argued. It was a delusion to suppose that the fees which would be paid in the proposed new Court would amount to the salary proposed to be paid to the new Judge. The average of the fees received annually in the Court of Arches during the last seven years was only £7. It was to be hoped that the measure would be delayed, at all events, till public opinion on the subject was more matured. Instead of producing order and harmony, it would, in his opinion, cause disunion and disruption.

MR. STEPHEN CAVE said, that this was a question on which everyone must take leave to form his own opinion, even at the risk, as his right hon. Friend (Mr. Mowbray) had said, of finding himself in the Lobby in unusual company. He wished, therefore, to explain in a few words his reasons for giving a hearty support to this Bill. He did so not as belonging to any party in the Church. He had no sympathy with either extreme; he had the greatest dislike to the very terms "high" and "low" Church; and while he stood aloof, though for different reasons, from the Movers of each Amendment, he would be glad to enlarge the basis of the National Church to the greatest extent compatible with the preservation of order and defined doctrine. This was a question of degree. But it was because there seemed to him to be no adequate guarantee for the maintenance of either doctrine or order, nothing to save them from being at the

ment of the Queen. He could not help thinking that a Bill of this kind affecting the Church of England, of which Her Majesty was, by the Constitution of the country, the Supreme Head, ought to have been introduced by the responsible Ministers of the Crown. However, if upon this question Gentlemen opposite were divided in opinion, he hoped the same liberty of thought would be permitted to those on that (the Opposition) side, and that if this was not to be regarded as a Government measure, so the opinions which might have been expressed earlier in the evening might not be regarded as representing an Opposition policy. They had all been under the wand of the great enchanter to-night, and had listened with rapt attention as he poured forth the wealth of his incomparable eloquence. But as he listened with that admiration which they all shared to that magnificent oration, he asked himself in the progress of it—how the principles so enunciated could be reconciled with the principles upon which a National Church was founded? The speech of his right hon. Friend was an eloquent and powerful plea against the principle of uniformity. But he could not help recollecting that the Church of England was founded on successive Acts of Uniformity. As he listened to his right hon. Friend when he spoke of the advantages of variety of practice in different parts of the Kingdom, and even in different parts of parishes in this Metropolis—when he told the House that in different parts of Belgravia different practices prevailed—his mind went back to that ancient document the Preface to the Liturgy of the Church of England, which, in the various changes the Liturgy had undergone, appeared in them all. That Preface was drawn up by the great author of the Reformation—he believed it came from the pen of Archbishop Cranmer—and he would ask leave to read a passage from it, a passage known to most, familiar to them from youth, and which seemed to contain in itself a complete and satisfactory answer to the eloquent argument they had heard to-night. It was this:—

"And whereas heretofore there hath been great diversity in saying and singing in churches within this realm, some following Salisbury use, some Hereford use, and some the use of Bangor, some of York, and some of Lincoln; now, from henceforth all the whole realm shall have but one use."

Sir William Harcourt

That seemed to him the answer to the argument in favour of what he could only call universal Nonconformity. His right hon. Friend the Member for Greenwich invoked the name of Liberty—liberty for the clergy to do what seemed fit in their own eyes. But the answer to that plea, raised in that sacred name which we all revered, was given by the greatest of all Nonconformists when he said, "Licence they mean when they cry liberty." He was in favour of freedom and comprehensiveness in the doctrine and the practice of the National Church; but that freedom and that comprehensiveness were to be sought and obtained in the breadth of her formularies and in the tolerance of her Creed, and not in the individual judgment and personal licence of particular priests. A National Church, as he understood it, was a Church founded upon the will of the nation; and the will of the nation was expressed in a definite form, in the form of that law which was established by the consent of the Queen and of the Parliament, for it was to be found nowhere else. Now, as he understood this Bill, it was intended to give a cheaper, a better, and an easier effect to that law which expressed the national will upon which the National Church was founded. As he understood—though he did not follow, perhaps, quite accurately that part of the argument—his right hon. Friend seemed to think that each clergyman, with the consent of his congregation—though he was bound to say a great many did it without—was to be at liberty to pursue whatever practices he pleased. But that was altogether inconsistent with the principle of a National Church. It did not belong to the priest, it did not belong to any member or any number of members of the congregation, to determine what should be either the doctrines or the practices of the Church. If he had followed the arguments and the Resolutions of his right hon. Friend aright they would come to this—that if a majority of the congregation desired the clergyman either to commit or to omit something, however inconsistent with the law, that was not merely a venial but a laudable thing to be done. He ventured to affirm, as a lawyer, as a politician, and as a Churchman, that every man who was a member of the National Church, even though he stood alone in the congregation, had a right to

have the observances of the Church practised according to law. The only objection which he found to this Bill was that a part of it seemed not altogether consistent with its principle—he referred to the discretion given to the Bishop to determine whether the law should be enforced or not. That would give the Bishop a sort of dispensing power, to which there were very grave constitutional objections. He had observed that on many occasions the priest did things, not with the consent, but against the consent of the congregation. That was a power which his position in a National Church gave him, and it was because he had that power that it was necessary for Parliament, if occasion arose, to interfere by statute. In a Free Church, if the minister went against the wishes of the congregation, they had a very summary remedy—they could cut off the supplies, just as the House of Commons could do if offended with a particular Ministry. But in a National Church that could not be done; the incumbent was in possession of a freehold, and he could defy the congregation. But the only justification for that state of things was that he held under a legal tenure, and under instruments which defined at once his powers and his duties. Therefore, unless Parliament guaranteed to every member of the National Church that his rights should be respected, it would grant to the incumbent a discretion which might be exercised by the minister of a Free Church, but which violated the essential principles upon which a National Church was and could alone be founded. He ventured to repeat what he had already stated, that the Church of England was founded upon the principle of Uniformity, that it rested upon Acts of Uniformity, and that to raise an argument against the principle of Uniformity was to raise an argument fatal to the existence of a National Church. What was the principle laid down in the Resolutions read to the House to-night? Not the principle of Uniformity, but of optional Nonconformity. But that was not the principle of the Church of England, it was not the principle of a National Church, it was the principle at best of what was called congregationalism. He was bound to say that his hon. Friend and Colleague (Mr. Hall), with his supporter who spoke from that side of the House, took other ground. They put in what the lawyers

call a dilatory plea. They did not say that the thing ought not to be done, but they said that it ought not to be done now. His hon. Friend and Colleague who had been so deservedly complimented by his right hon. Friend the Member for Greenwich had, owing, doubtless, to his inexperience as a Member of that House, been so imprudent as to put down in his Resolution exactly what he meant. He had, however followed the advice of the right hon. Member for Sandwich (Mr. Knatchbull-Hugessen), and, while at first, he said that they ought to do nothing until Convocation had dealt with the matter, he had at last adopted the more general words, "while the law is in an uncertain condition." He need not add anything to what his right hon. and learned Friend the Recorder had said upon that point. To say that they were not to improve their Judicature until their law was reformed was a most illogical proposition. What was really meant was this, that it was a party in the Church, or rather among the clergy, and not the Queen and Parliament, who were to pronounce upon this matter. He ventured to say that if the Sovereign and Parliament of England had been content to wait for the action of Convocation there never would have been a Reformation of religion in this country. The Reformation of religion in this country rested upon the great historical fact that the Sovereign and Parliament had refused to wait for the action or to obey the wishes of the Convocation. The Prime Minister the other evening deplored in a humorous manner that ignorance of history, which he hinted, was a characteristic of the present day. It was, he supposed, presuming upon that ignorance of history that he saw it constantly asserted that the clergy were the people who reformed the Church. Those who affirmed or assented to that proposition had read very little of history. The Crown and Parliament very early took the reformation of religion out of the hands of Convocation, and dealt with it upon their own authority. It was quite true that the first Prayer Book of Edward VI. had some kind of assent from Convocation, but when it was necessary to take action in the latter years of Edward VI., Parliament and the Crown altogether disregarded the action of Convocation. What said Thomas

Fuller on this subject in his *Church History*?—

"Now, the true reason why the King could not intrust the diffusive body of Convocation with power to meddle in matters of religion was a just jealousy which he had of the ill-intention of the major part thereof, who under the fair rind of Protestant profession hid the rotten core of Romish superstition. It was, therefore, conceived safer for the King to rely on the ability and fidelity of some selected confidants cordial to the cause of religion than to adventure the same to be discussed and decided by a suspicious Convocation."

That was the history of the second Prayer Book of Edward VI., which was practically the Liturgy of the Church of England. It was not by the clergy that the Reformation was established in the reign of Elizabeth. The first thing done by Convocation in the first year of the reign of Elizabeth was to remonstrate against the great measures which were the Charter of religious liberty in this country. After asserting the doctrines of transubstantiation and of the supremacy of the Bishop of Rome, they went on to say—

"That the authority of handling and defining concerning the things belonging to the faith, sacraments, and discipline of ecclesiastics hath ever belonged and ought to belong only to the pastors of the Church whom the Holy Ghost for this purpose hath set in the Church and not to laymen."

The first Act of Uniformity was opposed by all the Bishops of England, then 14 in number, and, as Gilson said, was stated to be the Act of the Lords Temporal and Commons, because all the Lords Spiritual voted against it. It was as well that the House of Commons should remember the true history of the Reformation. The Reformation was not established by the clergy, but was forced upon the clergy. The revised Prayer Book of Elizabeth was not the work of the clergy, but was the work of William Cecil—the heir of whose genius—he wished he could say the inheritors of whose opinions—was still among them—and Nicholas Bacon, and those who in Cecil's house were supplied by him with fuel and drink—there was nothing said about meat—and aided him in the task. They selected not the Popish Liturgy of the early part of Edward VI., but the Protestant Liturgy of the latter part of his reign, which had never received the assent of Convocation. But it was said there was another epoch that of the reign of Charles II.—when Parliament waited upon the will of

Convocation. For his part he declined to go for ecclesiastical precedents to a period which was as much distinguished for the laxity of its public principles as for the corruption of its private manners. It was not in the time of Charles II. that the Reformation was established in England. Then came the time of the Revolution, and the Protestant Settlement of the Crown. Convocation had its advocates in those days, and principal among them the eminent Tory divine, Bishop Atterbury. They were for Church and King, but the Church was the Church of Archbishop Laud, and the King was of the House of Stuart. It was necessary to find a remedy for the state of things that then existed, and, as the Convocation was adverse to the Protestant Settlement of the Crown, the sittings of Convocation were brought to an end. Some years ago it was thought fit, he thought most unwisely, to revive the sittings of Convocation, but he was not aware that either the State or the Church had derived any great advantage from their deliberations. His right hon. and learned Friend the Recorder had mentioned to-night that they had received Letters of Business, but he was not aware that they had transacted any business which was productive of fruitful results. Indeed, *The Times* stated that the Letters of Business which authorized Convocation to revise the rubrics were received by that body yesterday with great amusement. He did not wonder at it. Everybody admitted that something must be done. The House of Commons could not deny that something must be done because the nation demanded that something should be done. In his opinion, that something would not come from Convocation. If it were to be of any use it must come from the Crown and Parliament of England. What was required by the nation, and what Parliament had to do, was to re-assert the unalterable attachment of the English people to the principles of the English Reformation. It was necessary to show that the National Church of England was in reality what it ought to be—the Church of a Protestant nation. If our law were defective, if our rubrics were obsolete, why, let them be reformed and enforced; but we must not set up the dangerous doctrine of optional conformity, which would allow any

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priest to do what he pleased and to set at defiance those principles of the Reformation which for three centuries had been established by the law of England. If, as his hon. Friend and Colleague contended, the law required settling, let it be settled as Cecil and the elder Bacon settled it. Let the Government, which possessed the confidence of the country, have the courage of the situation. Let them not reduce the House of Commons to an impotence almost equal to that of Convocation itself. Let them come forward with a definite proposal and say either that the law was what it ought to be, or, if not, that they would make it what it ought to be. Then, Parliament would give them the power of enforcing it. Men like Cecil and Bacon experienced no difficulty, and why should not the right hon. Gentleman at the head of Her Majesty's Government find a Sir Thomas Smith who with a company of divines, would reform the rubrics, and then come forward with an Act of Uniformity which he could recommend to the acceptance of Parliament? He trusted the House would not be stopped in dealing with such a question by the trivial objections which in many quarters had been urged to-night. If Parliament did not want children to be catechized after the Second Lesson, let the rubric be altered; and in like manner, if it were thought that the reading of the Athanasian Creed ought not to be compulsory, let Parliament say so. The same remark applied to the singing of hymns. These were matters with which the Parliament of England was equal to deal, or else it was very unworthy of the Parliaments from which it was descended. We were in the presence of a great evil, and it was high time to apply to it an adequate remedy. That remedy was the one to which the English people in their difficulties had always had recourse—namely, the enforcement of obedience to the law. When the law was plainly declared, he believed people would cheerfully obey it. Although it might not be agreeable to the sympathies or prejudices of some individuals, the English people were so constituted that they would submit to law properly declared in a spirit very different from that in which they would submit to the law as interpreted at the will of any individual priest. He confessed that the objections taken to this

measure seemed to him to be the most unintelligible in the world. The Bill did not alter the law, but merely made it more available, cheaper, and more effective. Lord Selborne, whose words would carry with them the highest authority, said—

“How therefore any part of the substance of the Church or the discipline and rights of the clergy can be affected by the proposed legislation is not to me intelligible, unless it is contended that the clergy have a vested interest in the continuance of technical and formal impediments to the execution of the law of the Church.”

As to the objection respecting the salary of the Judge, he would not enter into so trivial a question at this moment or at this stage of the Bill. They had larger matters to consider. What he maintained was that the law ought to be declared by a secular tribunal, and this proposition was unanimously affirmed by the House of Commons last year when they transferred the jurisdiction of the Judicial Committee of the Privy Council to the new Court of Appeal. This was done with the assent, and, he believed, at the suggestion, of his right hon. Friend the Secretary of State for War. Lord Clarendon, in his history of the Rebellion, related how a clergyman told him he would much rather depend on the judgment of the Common Law than on the judgment of the Ecclesiastical Courts, and the experience of three centuries had confirmed the correctness of this view. This Bill was said not to be directed against any party in the Church, but in his opinion it was directed against that party which professed its determination to disregard the law. His right hon. Friend the Member for Greenwich had talked of the possibility of the existence of indiscreet Bishops. Well, his right hon. Friend had a large experience in Bishops; he had made a great many of them, and ought to understand them well. The right hon. Gentleman fixed the probable percentage of indiscreet Bishops at one in 26, or about 4 per cent.. Allowing that percentage to the body of the clergy who were probably not less indiscreet than the Bishops—for

“A saint in crape is twice a saint in lawn”

there would be a considerable number of indiscreet clergymen. He knew of no remedy for that but forcing them to conform to the law. Before he sat down,

he would appeal to the Government, as this question had been raised, to treat it in a manner conformable to its seriousness. Many questions having been raised in debate might be adjourned and put off, but this was not one of them. This was a question of which it might be emphatically said that either it ought never to have been raised or it ought to be settled. How could we have a debate on a question which touched our whole Constitution in Church and State and get rid of it by adjournments or by including it in the "Massacre of the Innocents?" This Bill was not an "Innocent," and it must not be massacred. The Government had found a day for the discussion of this Bill, and they must see it through to the end. This measure was proposed for the purpose of delivering this nation from a condition of ecclesiastical anarchy, and he believed that it had the approval of the people of this country. The House of Lords had done their duty by this Bill, and he believed that in passing it they had expressed the will of the people. He hoped the House of Commons would not be behind the House of Lords in giving effect to the voice of public opinion. For his part, he supported it because he believed it to be conformable to the spirit of the Constitution of this country alike in Church and in State—because it was founded upon that principle of the supremacy of the law—which was the only guarantee of the liberty of the clergy and of the rights of the people.

MR. GATHORNE HARDY said, the vigorous and eloquent speech they had just heard from his hon. and learned Friend had been directed to many points connected with Church and State, but had been little directed to the Bill before the House. ["Oh!" and *cheers*.] He was quite aware that there was a feeling in the House with respect to this Bill different from that which he entertained; but he expected the House, having heard those who had spoken in its favour, would listen to those who might speak against it. If, in the course he was about to take, he saw any infringement of the principles of the English Reformation, he should be the last man to defend it; but he hoped he had given guarantees in his political and private life sufficient to prove that his feelings had always been so strongly in favour

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of the English Reformation, that what he might say on this occasion would not be supposed to be dictated by any feeling of regard for those excesses which, in the language of the right hon. Gentleman who had spoken that night indicated a determination to destroy the true principles of the Church of England. He should address himself to this question not as setting up one party in the Church against another, but he should look at this Bill as one affecting the whole interests of the Church, and ask whether it treated them in such a manner as to deserve the support of the House of Commons. His hon. and learned Friend who had last spoken had gone back into history. He had no fault to find with that early part of the history of which his hon. and learned Friend had spoken; but when he said the present Prayer Book was established under the reign of a Monarch whom some despised, and of whom none spoke well, he must remind him that the divines consulted on that occasion were second to none who had done their duty to the Church of England. He recollected the names which those men bore at the time, and had ever since borne, and he felt that to throw discredit upon them would be to throw discredit upon the Church of England itself. It was supposed that we were living in times when something had happened which was entirely different from what had happened early in the history of the Church; but the truth was that the same difficulties happened in the time of Bishop Sanderson. Bishop Sanderson relied on his own personal influence rather than on force as a means of removing the difficulties which occurred in his time. His hon. and learned Friend proposed—and he (Mr. G. Hardy) thought it a proposition which the House would not receive with much favour—that the rubrics of the Church of England should be discussed in Parliament—that they should be discussed one by one, that the House should form its opinion on them, that if it was desired to enforce the Athanasian Creed an Act of Parliament should be passed for that purpose, and that the same thing should be done to enforce the Catechism. When the House of Parliament was consulted in the days to which he had referred, none but members of the English Church sat in it. Everything was directed according to the interests of

the Church of England, and neither Ireland nor Scotland were represented in this House. Now, the House was composed of men of all kinds of religions, and included the representatives of countries that had no interest in the Church of England; and he asked whether in its own interests and the interests of the country, it would endure for one moment that such a task should be thrust upon it. His hon. and learned Friend spoke of the Arches Court with great contempt, yet the Judge to be set up by this Bill would become a Judge of that Court; and while the hon. and learned Gentleman told them that they were setting up a secular Court, he was so ignorant of the contents of the Bill that he did not know that the Judge was to be the Judge of an Ecclesiastical Court. His right hon. and learned Friend the Recorder, in his admirable and captivating, but somewhat reserved speech as to the facts relating to this Bill, told them of all the evils connected with the Clergy Discipline Act, but he forgot to tell them that the Bill did not remedy one of those evils. The Act remained in full force, and remained the only remedy for that which was the worst evil in the Church of England. He should not justify some of the excesses that had been committed, or say there were not instances of a Romanizing tendency. Nay, he would go further and say there were some, but very few, who spoke more in favour of any Church associated with the mediæval Church than of their own. He was not there to defend such persons, but to speak in favour of the liberties of the clergy of the Church of England. And while he would protect the laity against excesses on the part of the clergy, in due course of law, he said do not let their shaft be aimed at those who were not guilty of those excesses; do not bring them within the meshes of their net; do not while trying to put down excesses do what he thought was the most fatal effect of this Bill, and drive into the ranks of the extreme Ritualistic party those excellent, moderate, judicious, and most valuable members of their Church who had been put in the front of those men by the course that had been adopted in reference to this Bill. It was said by the hon. and learned Gentleman who had last spoken that the Government ought

to have taken up this Bill. What Bill ought the Government to have taken up? Were they to take up the Bill that was shadowed forth in a leading journal, but which never saw the light; were they to take up that originally introduced, which was given up by its authors, or were they to adopt this Bill that never went through a first or second reading, but which was formed entirely in Committee, and had never undergone the examination to which a Bill dealing with the Church of England ought to be subjected? He could not expect that there would be that absolute uniformity that his hon. and learned Friend had advocated. He read from the preface to the Prayer Book with reference to the Hereford use, and said its effect would be to put down those various uses, but they were now going to set up various diocesan uses. ["No, no!"] Was it a fact or not that the Bishop under this Bill was to be entitled to say what should be prosecuted and what should not? As was mentioned by the right hon. Member for Greenwich, if each could not control his own diocese a decision for one must be enforced in all, and so they would bring about what, in another subject, Robert Hall described as "a dead and sickening uniformity." He admitted that the proposal here was to deal, not with omission, but with commission; but when that weapon was found of use, when wielded against commission, it would soon be applied in sweeping off omission, and thus disastrous results would be produced. They would find throughout the churches in the country different usages, which were never sanctioned or spoken of by the rubrics, but which it would cause the greatest offence to put down. He would say a very few words upon the subject of Convocation. He did not hesitate to say that Convocation was the author of the rubrics contained in the first Book of Common Prayer. No one could look with pride upon the period in our history when Convocation was suppressed, and when it was charged with having done so little since it had been revived; what else might fairly be expected when it had no duties to perform? It was charged with being a mere debating society, when it was precluded from addressing itself to business by not giving it Letters of Business. It was said that Convocation required to be reformed; but

as long as it was not reformed it must be taken to represent the clergy, and, as the clergy were not represented in that House, and as the inferior clergy were not represented in the other, they had a right to be heard somewhere, and their opinions ought to influence, if not to control, the decision of that House. He had never proposed that Convocation should pronounce or make a law; but Convocation might well suggest or advise, and might lay down such opinions as it could agree upon. It was, then, for Parliament to say whether it would reject or adopt its Amendments. The Bill was one for making, for the first time in the history of this country, a Judge to try three single offences. That Judge would be unable to try anything else until he became Dean of the Court of Arches, and then he would have two jurisdictions, one under the Bill, and the other his ordinary jurisdiction under the old slow process, which was said to be so injurious to the Church. At the present moment causes of great importance were pending on the Ritualistic question. The present Bill, as avowed and proclaimed by many of its advocates out-of-doors, and as might be gathered from the cheers of its supporters in that House, was aimed at Ritualistic development. If these causes came on for decision, they must be decided one way or another—for one party or the other. Suppose the decision was in favour of the use of these vestments. Looking at the present feeling of the Archbishops and Bishops, it might be that they would be obliged to apply for one purpose the Bill they had brought in for another. He was told that it was by no means clear which way the decision would be in these Ritualistic matters, and if it were adverse to the promoters of this Bill, Parliament would be putting into the hands of the Archbishops and Bishops a weapon which it would be most painful for them to use, because it would compel them to turn the sword against the Low Church party instead of against the Ritualists. The Bill laid down the law with regard to the fabric of the Church. The clergyman was not the person solely and absolutely responsible for the fabric of the Church; the churchwardens were also responsible for the fabric; and yet by this Bill the clergy-

man was alone punishable. Suppose the case of a gentleman who had taken a great interest in Church matters, and who had subscribed large sums for Church purposes in a particular parish. Suppose also that he found the clergyman preaching a denial of the Divinity of our Saviour. He would go to the Bishop, and might be told that it was impossible to prosecute, because the expense under the Discipline Act would be so great. In the next parish was, perhaps, a clergyman who turned to the East when he celebrated the Holy Communion. If a parishioner called upon the Bishop to prosecute in that case there would be no difficulty; it would be easy to prosecute for the posture, and by no means easy to prosecute for the doctrine. Was it not a monstrous proposition that when unsound doctrine was preached they must proceed by the old, slow, and cumbrous Ecclesiastical law, and that there should be a rapid process for prosecutions for gestures? With regard to the eastern posture they would under this Bill fight the battle with the clergyman who celebrated the Communion, but there might be other clergymen present within the rails, and they might all turn to the East, and they could not touch them. Many of the practices which were said to render this Bill necessary were not, he would admit, to his taste; they tended very often to annoyance rather than to edification. But the question was whether the Bill should be directed against one party in the Church and not against another? A simplification of Ecclesiastical law was emphatically required, but why legislate against gestures and leave doctrines untouched? Instead of the selection of offences by this Bill, the simplification of the whole process of ecclesiastical law might have been carried out with the assent of the clergy. The House was told the other day in the debate on the Scotch Church Patronage Bill that Members ought to put themselves in the position of a Presbyterian who was interested in that Church. In the same way they ought to put themselves in the position of a clergyman who was affected by this Bill. Perhaps no hon. Member of that House had received so many communications as himself upon this measure. They were not from persons holding extreme views, but were in the main from those of extremely moderate

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opinions, and among these Churchmen he had found great distaste and dissatisfaction with the Bill. It was said that the Bishop in the 9th clause would appear in a "fatherly character." But before he thus came in as a father he must practically have pronounced that some offence had been committed which ought to be proceeded against. Thus the power of the Bishop as an arbitrator would never exist until he had pronounced and sanctioned the prosecution. The Bill appointed a Judge *ad hoc* for the specific purpose of trying specific offences. A clergyman was to be summoned before a Bishop to answer upon some charge. If the Bishop thought he ought to be prosecuted the case would come before the Judge appointed under the Bill. The Judge would no doubt do his duty; but what would be the feelings of those who were brought before a Judge specially appointed to try three several offences? Of course, if his decision were adverse to them there would be great dissatisfaction. The hon. and learned Gentleman had referred to the Court of Appeal, and said that it was at his instance that clergymen were eliminated from the Judicial Committee of the Privy Council. He had tried to make the Court absolutely independent, and that no one should be appointed *ad hoc*, or for the trial of any special case. On the other hand, this Judge was appointed for a specific purpose, well known to those who appeared before him, and he need not suggest what would be the feelings of those who obtained from him an adverse decision. He quite agreed with the right hon. Member for Greenwich in thinking that if there was to be absolute uniformity, the Bishops and the higher order of the clergy—deans or abbots, by whatever other name they might be called—should also be brought under the Bill. What the clergy complained of was that a Bill brought in by the Bishops and passed by themselves should exempt them and some of the higher order of clergy connected with cathedrals from its operation. In what suits which the Bishops desired to undertake had they been thwarted? What suits had they been prevented from undertaking? Why should these special cases be picked out? It was said there had been decisions in the former Court which had not been obeyed. No doubt, but the highest legal authorities had spoken of these

decisions as not to be relied upon; but if they got decisions firmly laid down on authority that could be trusted they would be obeyed. He would not say there were no exceptions; but he spoke of the general body of the clergy in such cases. Swiftmess and cheapness in the administration of the law were admirable things if applied impartially, but disastrous if applied partially; and if they had a Judge for these special offences alone—if they had a Judge most improperly paid, and, at least, he ought to be paid as the other Judges were—he would not be satisfactorily put in motion. The laity, individually and collectively, had their rights in the Church of England, but they should exercise them consistently with the rights of others; and why should the "three parishioners," some of whom might belong to another Church in the parish, unjustly attack that Church to which they did not belong, merely because of some omission or commission in the course of the service? In the heat of men's minds at this moment, for they were very hot—the clergy generally were in a state of great ferment—he must say they had a right to ask for some time to consider this Bill. He spoke, of course, for himself alone, and he had stated how it was impossible for the Government to act on this question, for they had never heard of such a Bill till they saw the statement in *The Times*—which he presumed was written by those who contemplated such a measure. He would be no party to oppose the efficient exercise of the law as against wilful disobedience of the law, but he did not wish a hurried and vexatious tribunal to be suddenly set up in this country. He believed it was not for the interest of the Church of England that she should attack those who, not being extreme men, had thrown themselves in front of those extreme men, defending them against what they considered an injustice. They complained that they had not had time really to consider the Bill before the House. He could not help saying, also, that when he considered the circumstances of this debate, and the statement especially of the right hon. Gentleman the Member for Greenwich—and no one had a better right to bring forward anything connected with the Church of England than he had—when he considered that if this Bill went forward, that right hon. Gentleman in-

tended to bring forward Resolutions, the discussion of which could not be compatible with an early termination of the Session, he thought the best course would be to defer the Bill till men's minds had cooled, and when a measure might be brought forward embracing the whole ecclesiastical law and procedure, by which alone justice would be done to the best interests of the Church.

MR. LEATHAM: Perhaps, Sir, it may excite surprise that anyone who desires to see the separation of Church and State should hesitate to support a measure which, if some of the ablest representatives of High Church and Low Church opinion are to be believed, has a direct and inevitable tendency to precipitate that event. But, Sir, I am not one of those who are anxious to arrive at an end, however desirable in itself, by crooked means; and therefore in discussing this Bill I must begin by eliminating from my regard any consideration of its probable consequences in that direction. Now, what is the scope and object of this Bill? In the words of its promoters, it is to afford a cheap and ready means of repressing that freedom of practice and ritual which is characterized as rebellion and insurrection by those whom it offends. But, Sir, when we are dealing with matters of conscience, I have a wholesome distrust of cheap and speedy processes, and I distrust them utterly when they are based upon no higher or more definite principle than that "something must be done." And do not let it be supposed that those of us who take this view have any lurking sympathy for the practices against which this measure is avowedly designed. On the contrary, so far as I feel myself competent to enter upon such controversies—for life appears to me to be really too short for theology, such as it has become—my judgment and my prejudices are all the other way; but what I have, I hope, a warm sympathy for, is common justice, and it is because this Bill appears to me to be in flagrant violation of this, that I venture to ask the House to reject it. For what, Sir, are the fatal admissions of those who plead for the Bill? A right rev. Prelate is represented to have said in "another place"—

"I frankly admit there is something anomalous and even, perhaps, dangerous, in cheapening and sharpening the processes of eccle-

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siastical procedure, when the law itself is in any respect doubtful, ambiguous, and uncertain. The natural and logical course of proceeding would be in the first place to let people know what the law is which they are expected to observe; and then, if the law were found to be defective, to amend and simplify it, and then to take strenuous measures for its enforcement."

—[3 *Hansard*, ccxix. 26-7.]

Precisely; but let me observe that this is not only "the natural and logical course," not only is any other course "anomalous and dangerous," but it is the only course consistent with justice, and it is because I never will believe that this House will be a party to cheap and ready injustice that I appeal to it with some confidence to-night. And what, Sir, is the insurrection and rebellion which this Bill is meant to crush? I find it to be this—that these rebellious clergymen have actually been guilty of saying, when they receive an admonition from their Bishop—"That they will send it to their lawyer;" in other words, that they will take their stand upon their common rights as Englishmen, and avail themselves of that common shelter of the law of England from which I have yet to learn that even such poor creatures as clergymen are excluded. Now, Sir, I think that we ought to be very careful of the rights of all Her Majesty's subjects, but especially of those of persons who are shut out, by virtue of their office, from seats in this House, while their antagonists, the Bishops, possess, as some people are rash enough to think, far too many seats in the other. And if it be true that the law is not only in an uncertain and ambiguous state, but if it be further true that a portion of it is absolutely obsolete and that it would be madness to enforce it, we cannot be too careful how we cheapen and sharpen the means of enforcing it. And that it is obsolete and that it would be madness to enforce it, I am in a position to prove from the lips of the fathers of the Church themselves. The same right rev. Prelate is reported to have said in "another place"—

"To enforce the rubrics on everyone equally all round is an impossibility, and the Bishop would be simply mad if he tried to do it."—[*Ibid.* 30.]

And the right rev. Prelate spoke of the instances in which the law was broken, "by the wise connivance of the Bishop." But what says a noble Marquess, who is

at least as high an authority on the subject as any Bishop?—

“It must be borne in mind, too, that in dealing with the rubrics you are dealing with a code of laws which not only is not, but cannot be observed.”

And he goes on to say—

“The fact is, you cannot sharpen your law so as to make the whole of this obsolete code observed, and in trying to do so you will strike High Church, Low Church, and Broad Church alike.”—[*Ibid.* 53.]

Now, if this code be obsolete, if it be madness to enforce it, if to enforce it be to strike High Church, Low Church, and Broad Church alike, why, in the name of all which is rational and just, are we asked to enforce it? For that we are asked to enforce it is plain, because a Judge has no option but to enforce the law when it is once set in motion, and it is to the jurisdiction of a Judge that in the vast majority of instances these cases will be remitted. Let the House consider for a moment the alarming state of things which must arise. Here is the law declared to be ambiguous and obsolete; here is the Judge bound to enforce that law to the letter; and here is the clergyman absolutely at the mercy of the law and of the Judge, and of any three parishioners who may be able to raise £100 among them, and who may choose—and what in certain frames of mind will parishioners not choose?—to set this obsolete but crushing code in motion against him. And the Bill which enacts all this is called mild and conciliatory, and the right hon. and learned Gentleman who moved the second reading recommended it to the House on the ground that it was a positive mitigation and relaxation of the statutes already in force. No doubt, it virtually supersedes the Church Discipline Act. But the Church Discipline Act has repealed itself. The expense and delay attendant upon the working of that Act have practically, except in the grossest cases, made it a dead letter. This expense and delay have been the shelter of the clergy ever since that Act was passed from constant molestation, and it is because this Bill sweeps away that shelter that we are asked to extol the benignity of the intentions of those who promote it! Sir, these matters in dispute are not matters of opinion, they are matters of conscience. Who, then, if this Bill should pass, will dare to be a clergy-

man, and who but a rogue would desire to be one? Now, Sir, it was no doubt with the view of mitigating this intolerable state of things that the Bill, as it originally stood, was very differently framed. It gave an immense discretion to the Bishop. The Bishop was to be public prosecutor; he was to be foreman of the grand jury; chairman of quarter sessions; he was to be the jury itself; and he was to be the executioner. No doubt, the most rev. Prelates thought that the Bishop, being clothed from head to foot in a new suit of discretion for each one of the various characters which in rapid succession he was called upon to assume, would have ample opportunity of softening the severity and obviating the oppression which, but for the wide and wise exercise of that discretion must perpetually arise. But, Sir, the discussion had not proceeded far before the discovery must have dawned upon the right rev. Bench, that Bishops, as they are regarded by other people, are very different beings from Bishops as they are regarded by themselves. The Bishops had held up the rebellious priest as an object of dread, but it soon became apparent that it was the Bishop, not the priest, whom everybody was afraid of; it was the Bishop whom everybody distrusted, and it was the Bishops who must at all hazards be kicked out of their own Bill. If there be one drop of comfort in the cup handed to that section of the Church against whom the Bill is aimed, it is to be found in the spectacle of these right reverend engineers hoisted by their own petard. For, Sir, a noble Earl clapped a Judge upon the Bishop's back, and thus reduced that pious functionary from the position of an infallible autocrat to that of “a machine.” But, Sir, when this had happened, it might have been said of the Bill, as Scott said of the Palmer—

“Poor wretch! the mother that him bare,
If she had been in presence there,
In his wan face and sunburnt hair,
She had not known her child.”

Yet strange to say, the Archbishop, with more than maternal instinct, still recognizes his offspring, and as he sends it forth from the parental roof positively lavishes his tenderness upon it. But was there no escape from this desperate state of things—an unamended but obsolete code—a Judge bound to enforce that code—cheap and speedy processes, backed by all kinds of sectarian enthu-

siasm among parishioners? Yes, Sir, in the nick of time an invention came from Peterborough, which was to set everything straight. Let us declare a neutral area—a kind of Leicester Square, upon the surface of which anybody may indulge in any antics or erect any nuisances he pleases. Let us take almost everything which this Bill was brought in to suppress, and say—"All these are matters of supreme indifference!" A noble Earl stated that—

"It was necessary to prevent a clergyman appearing in his great coat, which would be as great an offence against the common sense of the parishioners as putting on no ornaments at all." —[3 *Hansard*, ccxix. 1125.]

I did not hear that it was proposed to include the great coat question in the neutral area; but what was to be included was a practice intended to symbolize the Doctrine of the Real Presence. Now, I have read of other Bishops and an Archbishop who made a certain area in Smithfield hallowed ground, because there they flung down their lives rather than recognize a doctrine which, whatever else it is, is certainly not Protestant. But our Bishops and Archbishops have improved upon all this. They are willing, so far as gesture and posture go, to neutralize ground consecrated for the Church of England, as no other ground was ever yet consecrated by any rite or incantation of man. But, Sir, the idea of a neutral area was no sooner broached than everybody was ready with a contribution. Even the creeds of the Church were to be thrown into it. We were to escape from litigation by sacrificing everything which it was worth while to litigate about. And, then, Sir, the discovery was made that the Peterborough Panacea, instead of being a universal soother, was a virulent blister, and no one dared to apply it. "The main effect of this Amendment," says an able writer in the leading journal,

"which will remain, is formally to point out to the contending parties the practices in respect to which they are expected by a Bishop to make war upon one another."

Now, Sir, if there is anything which has come out of this discussion damaged and battered, it is episcopal discretion; but the only thing which now remains between this obsolete code and the clergy, is what is left of episcopal discretion under this Bill. The Bishop can refuse

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to send forward a case to the Judge. Yes, but he must state his reasons in writing. It can only, therefore, be in the most trivial cases that this discretion can be exercised. But, put the opposite case—suppose the *veto* a reality—you will have High Church Bishops stopping one class of cases and Low Church Bishops stopping another. Is it possible to conceive of more disastrous confusion? It would be bad enough even if the beatific vision of a noble Earl were realized, and we were to have nothing but Low Church Bishops to the end of time; but what if we have Bishops like those described by Lord Falkland—

"So absolutely, directly, and cordially Papist, that it is all that £1,500 a-year can do to keep them from confessing it?"

And now, Sir, what was the last new expedient to get us out of our tremendous difficulty? I do not mean the Bishop of London's Bill. Like the other episcopal handiwork, that was ephemeral. I mean the Letters of Business. After gazing so long and so patiently at the cart, it is a comfort to get a glimpse of the horse, even although it may appear in that relative position which is proverbially absurd. For what proof have we that these Letters will lead to the initiation of reforms? The proposal to declare a neutral area raised a storm. The project of leaving that area to be scrambled for in a place where scrambling appears to be the order of the day, will raise a hurricane. How does Convocation represent the Church? Where are the laity and where are the clergy? You must first reform Convocation, and when reformed, what prospect is there that it will undertake this gigantic task? For that task is no less—and these are the words of a Bishop—than to "remake the compromise made at the Reformation;" remake the "compromise which is written all over the face of the Prayer Book;" and remake the compromise by virtue of which the Church enjoys all her temporalities. Now, Sir, let me ask the House to believe that in anything which I have said to-night with reference to the Church, in anything which I have ever said, I have been actuated by no feeling of hostility to the Church, except as a political institution. I regret as much as any hon. Gentleman opposite can regret, that abject but essential condition of her existence which compels her, before she can move one inch along the

path of reform, before she can touch one of her internal controversies, to take this House into her confidence—a House composed not of adherents of the Church merely, but in a large measure of every possible grade of Dissent. I deplore, as much as any hon. Gentleman opposite can deplore, everything which tends to lessen her legitimate influence as a great Christian and Christianizing community; and I shall vote against this Bill, not only because I regard it as impolitic, irrational, and unjust, but because I can conceive of nothing which will more surely impair and destroy that higher influence of the Church, than this prospect of universal litigation based upon a code which no man living can justify, and yet which no man living can amend.

MR. HUBBARD (*London*) denied the statements of the hon. and learned Member (Sir William Harcourt), to the effect that the Crown and Parliament made the Church of England, its doctrines, and its discipline. No clergyman who knew the meaning of his profession, and no Churchman who had read the history of his country, could admit such a statement for a moment. This Bill was suffering for the sins of its birth; but it was something more than a mere machine to expedite and render more easy and economical legal processes in clerical suits. He desired to see the Church strengthened by greater uniformity of action, for while he would allow as much liberty as possible to every man, yet a certain amount of uniformity must be observed to give strength to the ecclesiastical system of the Church. It was, however, impossible that a measure of this importance affecting the Church could be carried without the concurrence of the great body of English clergy who were concerned. He had heard a good deal said about clergymen receiving the pay of the State and yet disobeying the law; but it was due to the clergy to remember that they spent at least twice as much as they received, as the consideration of their official duties. The concurrence of the clergy could not be given heartily and willingly, except the measure had at least the concurrence of Convocation, which by law and by custom was the representative of the Church of England. But this measure was one in which the Government ought to take the lead; and in this Session the position of public affairs rendered it impossible for

them to deal with it this Session. He strongly submitted to the Government, and to the Recorder, that this measure should be withdrawn, in order that at a fitting opportunity it might be brought forward by the Government.

MR. CHILDERS moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Mr. Childers.*)

MR. DISRAELI: Motions for the adjournment of debates at this period of the Session are very responsible proceedings. I am aware that there is great interest felt on both sides of the House in reference to this measure; but I should not be doing my duty to the House if I held out to them any certain prospect of this debate being resumed. It is necessary that I should place this clearly before the House, so that the House may consider whether it is not possible, by continuing the debate to a late hour, or rather to a very early one, to come to some decision on the matter. I should be glad if this proposal were accepted; but I have sufficient experience to know that the chance of its being accepted is not considerable. But I will say this to the House in the present state of affairs—this is a Bill of very great interest and importance, but it is to be deplored that it should have been sent down to the House of Commons so late in the Session. I will consider the state of Public Business again, and, if possible, more anxiously and more minutely than I have already done; and on Monday I will state to the House the results which I have arrived at and the counsels on the subject which I should recommend them to adopt. If that is agreeable to the House, I will consent at once to an adjournment till Monday, and I shall then be prepared to give my advice.

MR. RUSSELL GURNEY said, he hoped the House would not adjourn the debate, at any rate for the present, but would continue it for some little time, so as to shorten the proceedings on the next occasion.

LORD HENRY SCOTT said, he thought the proposals of the Government most reasonable, but, at the same time, he trusted the fact that this debate excited great interest, and that there were many Gentlemen desirous to speak could not be

forgotten. He trusted that the House would adopt the proposal of the Prime Minister, in order that they might have a chance of expressing their opinions upon this through the medium of an adjournment.

MR. W. E. FORSTER said, he thought it was clear, from the feeling of the House and the intense interest taken in regard to that Bill, that it was impossible to settle the matter that night. The right hon. Gentleman at the head of the Government, though lamenting that fact, concurred in that opinion himself, and promised on Monday to state the course which the Government intended to take with respect to that Bill—information which would certainly be received with very great gratitude by the House. He trusted that the right hon. Gentleman would feel the importance of giving them an early day for resuming that debate.

MR. DISRAELI said, that what had fallen from him had been, he was sure unintentionally, misrepresented by the right hon. Member for Bradford. He had not stated that on Monday he would intimate the course which the Government would take with respect to that Bill, although if it came on again, of course, the Government would not shrink from expressing their opinion on the measure. What he had said was that on Monday he would communicate to the House the course they would recommend as to pursuing that debate, after minutely examining the matter with due regard to the convenience of the House and the progress of Public Business generally.

MR. GREENE said, he was not willing to let that matter pass with an uncertain promise of another day for continuing the discussion. That was not a subject merely of to-day, nor one about which there was only a cuckoo cry, as had been said by the hon. Member for Oxford. He and those who thought with him did not wish to persecute those who differed from them; but as long as they had a National Church they wanted to know what were its opinions and whether they could belong to it or not. He would call for a division unless they had a distinct promise that a day would be set apart for resuming the debate.

MR. PELL concurred in the remarks of the last speaker, and would join with

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those who divided on the question of adjournment, in order to facilitate their obtaining a clear vote on the principle of the Bill. It seemed highly improbable that the measure would become law this Session, especially after the Notice given as to his Resolutions by the right hon. Member for Greenwich. But it was important that the country should know whether or not the Members of that House were desirous of doing something with respect to a question which deeply grieved many of the laity.

Question put.

The House divided:—Ayes 114; Noes 275: Majority 161.

Original Question again proposed.

MR. PEMBERTON moved that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Pemberton.)*

MR. DISRAELI said, he thought that after the division they had had, they ought to be willing to go on with the discussion. Nobody could reasonably object at this late period of the Session to sit on such an occasion as this till 4 in the morning. Any unwillingness to do so was simply owing to the effeminate habits which came over some people at this season of the year. He hoped they would continue the debate two or three hours longer, if necessary, and take a division. Considering the state of public business, he would on Monday communicate to the House what prospects he could offer them as to how that business might be carried on; but to his mind the discussion of this Bill ought to be proceeded with at once.

MR. CHILDERS supported the appeal of the right hon. Gentleman. He had moved the adjournment, not from any selfish feeling, but at the urgent request of many hon. Members of both sides of the House. The division, however, distinctly conveyed the opinion of the vast majority that the debate should close that evening.

MR. KNATCHBULL - HUGESSEN said, he thought that as there had been a most important speech delivered that evening by the right hon. Gentleman the Member for Greenwich, who had probably placed the Bill before the eyes of a great many people in an entirely new light and shown how little its real

scope and effect had hitherto been understood; it was desirable the feeling of the country should be ascertained upon that speech before they came to a division. He was surprised to see the right hon. Gentleman (Mr. Disraeli) vote against the adjournment which he had supported in the full belief that it was the wish of the Government to adjourn until Monday in order to decide upon the course to be taken.

MR. W. M. TORRENS was somewhat surprised at the suggestion of the last speaker. Asking the House to adjourn in order that the speech of one of its Members might be considered by the country, seemed trifling with their own responsibility. As the matter stood at present there was no escape from the House deciding "aye" or "no" on the principle of the Bill, and he thought that the right hon. Gentleman the Prime Minister would best consult the dignity of the House, by appointing an early opportunity, if it could not be done that night, for ascertaining the opinion of hon. Members on the Bill.

LORD HENRY SCOTT said, he thought the Government had not acted fairly towards those hon. Members who wished to speak. He should support the proposal for adjournment.

MR. PEMBERTON said, he did not feel justified in pressing his Motion for the adjournment of the House.

Question put.

The House divided:—Ayes 61; Noes 304: Majority 243.

Original Question again proposed.

COLONEL MAKINS moved the adjournment of the debate. It was a most important question, and one affecting the interests of great numbers of people in the country, and it would not be doing them justice to go on with it at that late hour.

Motion made, and Question proposed, "That the Debate be now adjourned." (*Colonel Makins.*)

MR. NEWDEGATE said, that the hon. Members who were thus delaying the Business did not understand the feeling of the House or the country. The real question was whether or not the Bill was to be smothered. In insisting upon deciding this question the House was in reality affirming its com-

petency in dealing with the subject-matter contained in the Bill.

MR. W. E. FORSTER denied that the question was one of smothering the Bill. The Government had given up a night to the discussion of this subject, and the question really was, whether, that being so, they would so arrange the conduct of Public Business as to afford an opportunity of bringing the debate to a legitimate termination?

MR. BERESFORD HOPE put it to the House whether on a question of such importance the debate should not be adjourned. They had had two nights, and with justice, to debate Home Rule; and the Scotch Patronage Bill, after a night's debate, was adjourned to Monday next; and yet on a question so deeply affecting the Church of England they were to have but one night.

MR. OSBORNE MORGAN suggested that this Bill should take the place of the Land Transfer and Titles Bill, which could not possibly pass this Session.

MR. HORSMAN felt sure that the House would be content with an assurance that an opportunity would be afforded for arriving at a decision on the main question. If the right hon. Gentleman would give that assurance the House would no doubt assent to the Motion for adjournment.

MR. J. G. TALBOT said, he thought he was entitled to be heard on a subject which so vitally interested him.

MR. DISRAELI said, one solution of the difficulty had occurred to him, and every solution should be indulgently accepted at this period of the Session. He thought they could resume the debate on Wednesday.

SIR WILLIAM HARCOURT pointed out that Wednesday would be a most undesirable day to proceed with the discussion, as a fluent orator like the hon. Member for the University of Cambridge (Mr. Beresford Hope) might talk until 6 o'clock, and thus prevent the House from coming to a decision.

Question put.

The House divided:—Ayes 112; Noes 188: Majority 76.

Original Question again proposed.

MR. BERESFORD HOPE rose to address the House when—

LORD GEORGE HAMILTON said: Sir, I rise on a point of Order. The

late division was challenged by the hon. Member for Stockton (Mr. Dodds), who cried "aye" when the Question was put, but subsequently voted with the noes.

MR. SPEAKER: Did the hon. Member give his voice for the noes?

MR. DODDS said, he had intended to give his vote for the ayes, and if he had voted with the noes it was unintentionally.

MR. MONK also rose on a point of Order, and complained that the right hon. Gentleman the Member for the London University (Mr. Lowe) had been in the House just before the division, and had been talking to the Speaker while the division was going on, but had not recorded his vote. He (Mr. Monk) had mentioned the circumstance to both the Tellers, and he wished to know whether it was a proper course for any Member to adopt.

The reply of MR. SPEAKER was inaudible in the gallery.

MR. BERESFORD HOPE wished to know whether he might now continue his speech.

MR. SPEAKER said, that the points of Order had been disposed of, and the hon. Member was consequently in possession of the House.

MR. BERESFORD HOPE: Let me begin by assuring the hon. and learned Member for the City of Oxford (Sir William Harcourt) that, throughout my speech, I shall certainly avoid following his example by entering into the early history of the reformed Church of England. I would merely point out to him that his argument was based on a fallacy when he quoted the Preface to the Prayer Book, referring to the various uses of the unreformed Church. What were those uses? Different forms of words. But the question now is, not of different forms of words, but the different methods of employing that one form of words in the performance of Divine Service which our Prayer Book contains. I can well understand that he could not quite take in nor sympathize with the view of the work of the Church of England as it was eloquently described by the right hon. Member for Greenwich. The late Prime Minister had somehow the weakness to consider that the Church of England was a spiritual body, and to look upon its liturgies and forms of worship as something that had

to do with the soul's health of the worshippers. Any such mean consideration would not, of course, content the hon. Member for the City of Oxford. What were rubrics to him but means providentially placed in lawyers' hands of spiritual prosecution? Accordingly, he rises with a merciless appeal to absolute uniformity; and, speaking from his high Liberal standpoint, from his pedestal of constitutional lawyer, he preaches peace to the Church by advocating a system of rude, unmitigated, and impartial persecution, and by insisting upon the demand of the evenly weighed pound of flesh from the breast of every vicar and curate in the land. I congratulate him on so very liberal a view, though I cannot say that his "Liberalism" is that which, as we heard earlier in the evening, was somewhat akin to "liberality." But the hon. and learned Member has made his speech, and, having done so, he cannot believe that the position he took up is one that ever will be practically adopted in England. He does not really believe that it will ever give peace to the Church. He calls on this House, and this House alone, to alter the rubrics, and to manipulate the services. The right hon. Member for Greenwich says a clergyman may be prosecuted for not catechizing the children after the Second Lesson; but the hon. and learned Member says this House has only to sweep away the Second Lesson, and then the Catechism will go with it. But really this is trifling with the question. The Church of England is a spiritual body. Its concerns are those most interesting to the human soul. If we deal with them in this House either in the way proposed by the present Bill, or in the way I would venture to recommend—a broader, larger, more tolerant, more complete way of dealing with the whole question—we cannot deal with it in total disregard of all human and personal feeling, in total disregard of the comfort—I was going to say of the very condition of existence—of the some 15,000 or 20,000 men, of whom if there is one thing that every one is agreed about, it is that they are men of exemplary self-sacrifice, who subordinate as a class the comforts and interests of life to their sacred calling, to the demands of charity, and to all that work which is very often repulsive in its outward aspect to men of refinement, dangerous to health, and

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destructive of self-contentment—they are men, I say, whose work in life is to devote themselves to the welfare of the bodies as well as of the souls of those committed to their charge, irrespective of self. This is the *corpus vile* on whom you propose to try the experiment of your Bill. But all of us, I am sure, have had shoals of letters pouring in on us, and what is the upshot of those letters? That the men who feel the iron entering into their souls, who feel that this Bill is a cruel Bill, are not that small number of ultra-Ritualists against whom this measure is aimed, but the broad mass of moderate-thinking Churchmen—men devoted to the Reformation, men imbued with the principles of the Reformation, men ready and earnestly prepared to give up their life for the reformed Church of England, whether against the excesses of Popery on the one side or of infidelity on the other. These are the men for whom I plead, and, for my own part, I may claim that there is no one in this House who tries more to conform himself to the doctrines and to the principles of the Reformation, as embodied in the Church of England, than I do myself. It is on the principles of the Reformation that I stand, and call on this House not to narrow that broad toleration, that broad acceptance of various schools of thought of all parties in the Church, which has hitherto been the boast and the strength of the Church of England. As to this Bill, my right hon. and learned Friend the Recorder (Mr. Russell Gurney) said there was no party object in it; that it was a Bill intended impartially to enforce discipline and to reform procedure. I am sure that in his mind it was so, or he would not have said it. My hon. and learned Friend the Judge Advocate General (Mr. S. Cave) said the same, and I am sure that, in his mind also, the same feeling was predominant. But what am I to think when the hon. Member for North East Lancashire (Mr. Holt), the author of the competing Bill, from one end to the other of his speech advocated this Bill as a short and sharp weapon against the Ritualistic party? And the hon. Member for the City of Oxford did the same. Accordingly, this Bill stands self-convicted from the mouth of its advocates in this House of having come before us with an ambiguous and double aspect—a perfect Janus of a Bill,

one face mild, beneficent, fair; the other, scowling at one proscribed section of men in the Church. It is impossible to reconcile these two views of the Bill—the view given by the Recorder, and the view given by the hon. Member for North East Lancashire. I do not ask which of these is right. It is enough for me to know that the Bill can be represented in two such discrepant aspects, to show that it is not the well-reasoned measure that ought to be produced before Parliament in regard to interests so delicate and so important as those of the whole Church of England, its clergy and laity. On the word “laity” I must say something. It is a stock argument with those who wish to have a short and sharp method with that party in the Church with which they do not themselves agree, to represent it as a clerical conspiracy against the feelings and tastes of the laity. That position I most emphatically deny. There are three schools of worship in the Church of England—the High, the Low, and the Broad. Their respective systems of worship I grant are far from agreeable to each other. On that point I go with the hon. Member for North East Lancashire. But the point on which I join issue with him is, that any particular school is a school of clergy, and another school is a school of laity. The fact is, that each one of these parties is backed up and sustained by an extensive body of laymen behind. The High Church party may or may not be greater or less in numbers than the other two parties. I believe the moderate High Church party is a very large one, if not the largest of the parties in the Church. The extreme High Church party is comparatively small; but that is a statistical consideration. I do not belong to that section. I am myself an old-fashioned High Churchman. But, looking at the extreme wing of the High Church party, I agree that it is not very large. Still, I contend that it is a party which has its lay, just as much as it has its clerical votaries. I can say more. I believe the lay so-called Ritualists are very often the active, energetic persons, and so far from the so-called Ritualistic clergyman being, generally speaking, a man who suddenly flaunts before his congregation a system of worship which is repulsive to them, he is frequently led, or rather driven on, by the enthusiastic flock behind him. Those per-

sons may be very unwise. There may be breach of law; but the breach of law is on the part of the congregation exciting their minister, as much as on the part of the minister in the action which he takes before his flock. Of course, if you take up the position of the hon. and learned Member for the City of Oxford, and go in for uniformity, for the absolute sake of uniformity, you must disregard such considerations; but if you accept the Church of England as a broad fact, you must follow the congregational system as the only method of sustaining Christianity according to the forms of the Church of England in the great towns of the land. If you accept the congregational system in our great towns, then the question is not how you shall put down this or any other party utterly, but what are the tolerable final limits of that authoritative interpretation of the rubrics which shall allow its respective amount of fair play to the extreme Low Church, to the extreme Broad Church, and also to the extreme High Church? There is a point at which each one of these extreme parties has crossed the line of allowance. It is a question of degree. I contend, as much as any man, that law is law, and must be respected; but the interpretation of the law is another matter. The question is, at which point of the extreme tension of the rubrics on the part of these three parties is the law transgressed? If this Bill seemed to be a fair solution of existing difficulties, I should not oppose it; but the very fact that a Bill like the present one does meet with the strongest opposition, not on the part of those whom it is supposed to hit, and whom it is intended to hit, but from the great body of the moderate men behind, is a proof that the House ought at least to pause. And why do I ask it to pause? Is it in order to smother or stifle the reform of ecclesiastical procedure? Precisely the contrary. The evil of this Bill is that it is one-sided and incomplete. It deals with one fragmentary class of offences, and leaves the broader offences against morality, and of neglect of duty altogether unpunished. Are you surprised at clergymen feeling that a cruel wrong may be done to them, when what every man must hold to be higher moral offences are left untouched, and the comparatively trifling offence of perhaps rather sharp dealing with anti-

quoted rubrics is visited in so summary a manner? But then you say—"Popular feeling has risen to that point that you must do something, and do that something quickly." Do something, then; but, in Heaven's name, let it be sensible and fitting. We are in view of the end of the Session, and I think every man in this House, whether he supports the Bill or not, when he heard the Resolutions of the right hon. Member for Greenwich read, felt that any possibility of passing this Bill into law had departed from this Session. Why, then, give one party or the other this barren victory of a formal division? On this side of the House we are, I suppose, chiefly Churchmen. Next Tuesday we shall be united on a question which very much affects us, and with respect to which I see ominous signs of war on the opposite benches. What is the use of dividing Churchmen by provoking feelings in them which must be the very reverse of what is agreeable. just on the eve of an occasion when our united forces are needed to support what we believe to be a just and necessary measure? I throw that out as an argument for these benches, and not for those across the House. But you ask me what my objections to this Bill are? In the first place, I object to the concentration of the whole ecclesiastical jurisdiction in a single Judge. I ask, what is the necessity for uniting the two Appellate Courts of Canterbury and York under one Judge? "Cheap justice, easy justice," has hitherto been the cry. Every year something is sliced off the Courts at Westminster and transferred to the County Courts. They now exercise jurisdiction in equity and in fifty things that would have astonished the promoters of the County Court Act when it was first brought in. And yet, in the face of these precedents, you adopt a directly contrary course with regard to our ecclesiastical judicature. You sweep away the Diocesan Courts, and not only sweep them away, but combine the two Provincial Courts into one Court. Now, for my part, I see considerable advantage in the possibility of there being two Appellate Judges, men of experience and local weight, who could keep each other in control, while neither of them could stamp his own idiosyncrasies on the practices of the Church. Both Judges,

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the Judge of Canterbury and the Judge of York, would be responsible to and harmonized by the new Court of Final Appeal; and is not that enough? But not only do you set up this one Judge, but you make him an itinerant Judge. Fancy what a disturbance he will cause. Some clergyman differs from his three parishioners or his Rural Dean about the colour of his dress, or the place where he stands, or whether he sings or does not sing a hymn. The case goes for trial, and down comes this grand Judge, sweeping and splashing like a porpoise, into the village, with his apparitors and barristers and everything else behind him; the whole village being turned loose to gossip and jeer, and the county papers pouncing down like harpies on their prey. Thus the whole moral influence of the vicar will be utterly destroyed, because you will have this neither cheap nor dignified, but new and fussy system of some great Panjandrum coming round on his circuit, and holding his obtrusive Court in some petty village on the chalk downs. If that is reform of the law I make you a present of it. And then to lead to that, the Bishop is to be deprived of any regular judicial functions. The Bishop has two rather eccentric and incongruous duties given to him in this Bill. The first is, whether he will or will not send the cause to a hearing. We have been reminded that there are 28 Bishops in England. I do not go into the question of their discretion or indiscretion. That has been pretty well threshed out in the early part of the evening. But I say it would be little short of a miracle to find 28 men, whether Bishops or not, all possessed of the same identical degree of courage. It is impossible. Yet the question of whether the Bishop will hear the case, or will dismiss a case, or will send it for trial, is emphatically a question of moral courage. I do not suppose that many of these Bishops are such violent partizans, or so much inflamed with clerical prejudices, as that they will dismiss one case and hold to another, because it helps on or does not help on the party to which they respectively belong in the Church. The question is one of moral courage, and, no doubt, in a year or two, the length and breadth of this moral courage of these Prelates will be accurately gauged. I think there are societies in London whose

office will be to feel the moral pulse of these spiritual leaders; and I leave it to the House in its calmer moments to consider the amount of confusion that will be created in the Church if a different rule exists in every diocese. Now, this leads to what has always seemed to me to be the great evil of the Bill. Persons in "another place," distinguished jurists, have argued that the Bill only reforms procedure. My right hon. and learned Friend the Recorder contrasted the procedure under this Bill with that under the Church Discipline Act. He forgets that the evil will not reside so much in the cases that go to trial as in the cases, perhaps not tried, but brought forward, and with which the Bishop is pestered by the new class of special informers which the Bill creates. You will say, perhaps, that a man may lay an information now under the Church Discipline Act. That is an old document. Probably few people have ever read it except some of the clergy, a certain number of attorneys, several barristers, and perhaps one or two of ourselves, who have done so in anticipation of this debate. But if this Bill once becomes law, it will appear in all the newspapers of the land. There will, probably, be a cheap edition published at a penny; and I dare say the Church Association will bring out a cheaper one at a halfpenny, with discount for a bundle of 100. It will go all round the country. And suppose the Act passed in the shape it is in now—which I think very doubtful from its preceding history—it would pass with a nice little schedule at the end of some six lines long, neatly giving the lesson to the "aggrieved parishioner" that he is not to put the poor parson under the pump, for that is what it comes to—

"Public Worship Regulation Act.—To the Right Rev. Father in God, A.B.—We, C, D, and E, all three parishioners of your Lordship's diocese, do hereby represent that F. G., incumbent, &c."

Is not that an invitation to every man in the land who has had any difference with his clergyman, the drunkard who has been reprimanded for indecent conduct in the street, the lad who may have committed some offence against morality, to take his revenge? Will not this Bill, sown broadcast over the land, with that small schedule at the end, be an invitation to every mischief-maker to trump up some charge against

his parson? The declaration will cost nothing—only the paper it is written on, and a penny to put it in the post. The Bishop gets up in the morning, and finds that he has 300 or 400 papers, charges probably against half the clergymen in the diocese. Of course, if he is a man of any sense—and Bishops are men of sense—he rejects 99 out of 100. But he has by the Bill to state his reasons for the rejection in writing, and just imagine, considering how overburdened our Bishops are now, what a nice amount of toil you will give him if he has to answer some 800 or 900 charges within the first fortnight of this measure becoming law. And there is no punishment against the repetition of the same charge. If a person acts merely from malice, the same charge may be sent in again, with this addition—"We know your Lordship did not entertain it last week; but the incumbent, instead of profiting by your fatherly indulgence, is hardened in iniquity, and has repeated the offence." And so will the lives of our Bishops be wasted away in this petty warfare, provoked by Act of Parliament, and incited, I must say, by the right rev. Bench themselves in not opposing the Bill—incited by the Lords and by this House, if, unhappily, you pass this Bill. I come now to the next point—the stage of the Bishop admitting the charge. How will it stand? He is to sue the parties to submit to his judgment without appeal. But the peculiarity of the matter is that if they submit to his judgment without appeal, the decision is not to rule any subsequent case. The clergyman in this case, I may suppose, has done something monstrous. He submits; he is admonished. The next week somebody in the next parish may do the same thing in his church; but that clergyman will not be bound by the former judgment. Do you call this workable law? But if the offender in the first case will not submit, the case is to go to the magnificent personage who is Dean of Arches, Master of Faculties, and four or five more Judges rolled into one, and he is to come down and trouble the whole village by inquiring into some twopenny-ha'penny matter, which will but produce ill-will and demoralize the place. And all this is invoked in the way of easy and cheap law. But you say—"Let us put down Ritualistic

practices." What are Ritualistic practices? As I said before, I am no advocate for extreme Ritualism. There is a great deal that has been adopted in many of our churches which I deeply regret, and against which I have written and spoken very sharply, and received very sharp knocks in return from its votaries. I suppose no man has been better abused in his time by ultra-Ritualists than I have been. But then matters of ultra-Ritualism are not those which occur in country parishes. I believe Ritualism so called—certain ceremonies which I could recapitulate, and of which I have a distinct catalogue in my head, but with which I will not enlighten the House, for I do not wish to stimulate persecution—the usages which I believe are against the law and spirit of the rubric, occur in very few instances in our country parishes; and, as one of the non-metropolitan Bishops said to me—"The great town dioceses overshadow us. The country Bishops do not want the Bill; it is the great dioceses that oppress us." There may be irritating disputes in the country, but they are not those which provoked this Bill. A few years ago, we had the newspapers going mad over such things as a choral service, or surpliced choirs, when these were set up in our churches; now they are quite a common thing. Such services may still be very unwise things in some parishes, but they do not now excite jealousy, suspicion, and dread of Popery as they once did. Now, I believe the difficulty and trouble in our country parishes, generally speaking, only arise about these little matters, which the Bishop at present under the existing jurisdiction is well able to adjust, but which he will not be able to adjust after the passing of this Bill. Such usages as the place the minister takes at the prayer of consecration, may be questions that at one time would have come within the scope of this Bill as it was thought; but since Lord Cairns in "another place" has, in very unequivocal language, stated that it would be very difficult for any layman, or even lawyer, to reconcile a certain former judgment—from which it could reasonably be inferred that the practice was sanctioned—with a later and undefended one, in which a contrary opinion was given, I do not think any Bishop would dare to put the penal

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clauses of this Bill in operation with regard to that practice. And so, again, with another practice not so common—the dress of the Minister at the Holy Communion. That is a different question now from what it was some time ago, as several of our Bishops have adopted that very practice themselves under certain conditions in their cathedrals, and some of them have publicly called for a legalized toleration. This question is now before the Courts, and it has by this process been removed from the category of questions which any reasonable man would treat as implying Popery. Whether it be wise or unwise for a clergyman to adopt a change of dress, it is not a thing which could now be justifiably thrown in the teeth of any clergyman as indicating a wish to give up the Reformed Church or slight the reformed rubric. His may be a right or a wrong reading of the rubric; but, at any rate, it is an honest one, and has much to say for itself. There is one other point which, even at this late hour, I must point out. Suppose a clergyman has gone on in a course of self-will, and is ultimately deprived of his living: there is a provision in the Bill that after he has been deprived he cannot be re-appointed to the same cure of souls. I must contend that this is hard measure. The man will have been very severely punished; he may be a very good earnest man, who is popular in his parish, and has done good and holy work there, although he had erred in this particular; and to deprive him of the *locus penitentiae* and not allow him to be restored, is, I say, unjust. So much for the Bill; as to the general question, I may be asked—“What do you propose?” What I propose is, a complete revision of our old ecclesiastical procedure on the old lines of the existing Courts. I hold in my hands a paper of objections to this Bill by a clergyman of distinction in the Church, of high clerical rank, an Archdeacon of long standing, a representative of the sensible, wise old Churchmen of the older generation—of the old Churchmen who existed before the thing called Ritualism was known. I mean the Archdeacon of Rochester—Dr. Grant—a name which must be received with favour by all who know that most respected gentleman. This gentleman thinks that this Bill, as it abolishes the Consistorial Courts, and creates new

tribunals, with new ecclesiastical forms, presses hardly and unjustly upon the clergy. One point which he takes is, that it will check any improvement in our churches. This is a matter on which I must appeal to the generosity of hon. Members. We have heard a great deal of the evil of these innovations, and of the necessity of stopping them. It is said that things have gone so far that they must be stopped. That may be very true in the case of excesses; but these are only the vicious efflorescence of that for which, to their immortal credit, the country and town gentlemen of England have distinguished themselves during the living generation. I speak of what has been done in restoring and decorating our churches. Let me remind you of our light open seats replacing the old heavy pews; of our windows, with graceful tracery, and with painted glass—memorials, perhaps, of those most dear to us—substituted for broken panes and dingy casements; decent chancel-stalls instead of a worm-eaten desk and a ruinous clerk's tub; of the comely covering for the Lord's Table, instead of the old dirty piece of torn and dragged baize; of all that great spirit of church restoration and revival of services on week-days and on the holydays which our Reformation has preserved for us; and the growing feeling that God's house should be opened not merely on Sundays. I say these Ritualistic excesses are a vicious development of that great spirit of Church revival and church restoration in which the country gentlemen of England have taken a conspicuous share, which is an honour and a glory to our generation. But when you throw out hard words about “growing evil” and “scandal,” unless you qualify your words and explain to what they refer, unwittingly to yourselves you deal a blow at these very good things of which you yourselves have been promoters, and in regard to which you have shown your zeal for the glory of God, and in which you have done your duty to God and man. And therefore it is that I tell this House, under very deep feeling, that I do look with intense dread upon this Bill, on the ground that I am afraid that it will excite an ignorant and inflamed feeling in the country among those who have very little love for God and His house, who have very

little care for public worship, and regard all moral restraint as an impediment to their ill-used liberty. This is the risk you choose to run, and if my fears come true, you will but destroy God's work in this country. I do not say that you will do it on purpose—God forbid that I should say so; but I must point to the result. There has been in our life-time a great upheaving of spiritual life in the Church of England. There was a great upheaving of spiritual life in the individual soul in the great Evangelical movement of the past generation. That has been succeeded by a similar upheaving, not merely in the individual soul, but in the corporate Church of which those individual souls are the several members. It has developed itself in good works, in women abandoning the pleasures of life to become nurses in hospitals, and to their sick poor brothers and sisters. It has developed itself in missions to the ends of the earth; it has developed itself in our churches being made more comely, our services more frequent and attractive, the walls and pillars bright with flowers at Easter, Whitsuntide, and Christmas; God's psalms and hymns sung by the cheerful voices of youthful choirs, and not drawled out by the lazy clerk—all these things, and many more like blessings, we have won in our generation. Raise the mad-dog cry of "Ritualism," and do not say what that Ritualism is, and you will bring down the world, the flesh, and the devil—you will bring down all those evil powers which are rife in the world, and wreck God's great work of revival in His Church of England. On these grounds I object to the Bill, brought in as it is. I will not go on reading Archdeacon Grant's reasons, but state very shortly what my remedy is. It is the remedy which the Convocation of Canterbury has recommended. And why not that Convocation? It, no doubt, requires reform. What is that reform? A larger representation of the parochial clergy. And what will be the effect of a larger representation of them? Why, the power of the Bishops and of the Prime Minister in Convocation will be diminished. An unreformed Convocation is more under the thumb of Parliament than a reformed Convocation can be. A reformed Convo-

cation is one in which the elected element shall be in greater proportion to the official element than it is at present. But the official element is that which is appointed either by the Prime Minister, who is the nominee of Parliament, or by the Bishops, who are made by the Prime Minister, and are, therefore, Parliamentary nominees in the second degree. The senior Member for the City of Oxford urged a reform of Convocation; but while we grant that an unreformed Convocation may not be a good Church Parliament, it is an admirable committee of eminent and learned men, brought together in various ways—some by election, some by the Prime Minister, and others by the Bishops—but altogether making an able and weighty representation of the different parties in the Church. The Convocation of Canterbury says, "Reform the old system, but keep the old names." The country clergy wish them kept—it may be respect for constitutional forms, or it may be a sentimental feeling—but is it not something if you can create a Court which will carry willing and not unwilling obedience? The clergy simply say, and Convocation says, "Sweep away old and cumbrous machinery, but work on the old lines. Keep the Bishop's Consistory Court, but let it be an easy and cheap Court, in which men can find justice without citation and all those other forms which cost so much money. Then reform your Provincial Court, and have your appeal to the Supreme Court." This the Church asks for, and adds, "Do not brand any form of worship by making a fragmentary Court for only ritual offences; let it be general." This will be a simple thing. If the Home Secretary or the Premier would bring in such a Bill next year, the Bishops would not oppose it and it would pass with the evident approbation of the clergy. No man would think himself aggrieved or branded, while it would give as much reasonable power to put down all ceremonial offences as the measure before us. What would be lost? The few months difference of this Bill coming into operation next spring, and a better Bill later on in the year. But what would be gained? That you would not, as you are now doing, be causing bad blood throughout the institution which it is most your interest to keep in health—the Church of England. Propose a

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broad reform of all ecclesiastical procedure, and you will master the situation.

MR. CAWLEY moved the adjournment of the debate.

Motion agreed to.

Debate adjourned till Monday next.

EXPIRING LAWS CONTINUANCE BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to continue various Expiring Laws, ordered to be brought in by Mr. WILLIAM HENRY SMITH and Mr. ATTORNEY GENERAL.

Bill presented, and read the first time. [Bill 201.]

House adjourned at half-after three o'clock.

HOUSE OF LORDS,

Friday, 10th July, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Customs (Isle of Man) * (165); Land Drainage Provisional Order * (166); County of Hertford and Liberty of St. Alban * (167); Poor Law Amendment (Removal) * (168); Inns of Court (169).

Second Reading—Foyle College * (159).

Committee—Local Government Board (Ireland)

Provisional Order Confirmation * (76).

Report—Local Government Board's Provisional Orders Confirmation (No. 5) * (99).

INNS OF COURT BILL.

BILL PRESENTED. FIRST READING.

LORD SELBORNE, in calling attention to the constitution of the Inns of Court and to legal education, said, that for many years past those two subjects had been a great deal before Parliament. They were considered by a Committee of the House of Commons in 1846, and by a Royal Commission in 1854; and some five or six years ago an active movement for the improvement of the existing system of legal education was commenced by a society which received a large amount of support from the two branches of the legal profession. In the meantime, much had been done by the Inns of Court for the improvement of the education of their own members. In all he had to say, he intended to speak with all respect of those learned bodies; but, with a full knowledge of what they had done to improve legal education in this

country, it was quite insufficient to meet the exigencies of the case, and he hoped that much more would be done hereafter in the same direction. He intended to submit to their Lordships two Bills—one relating to the Inns of Court, and the other to legal education—two subjects having a near connection, but which he thought it would be more advisable to treat in separate Bills. The first Bill he proposed to lay on the Table was one for the incorporation of the Inns of Court and the regulation of their affairs. Those Inns were very ancient institutions, for they could be traced back to the date of a Royal Commission issued in the reign of King Edward II., and he ventured with confidence to say that they discharged public functions, and public functions of the greatest importance. They had been in a variety of ways recognized by Parliament. In 1854 it was referred to a Royal Commission—

“To inquire into the arrangements of the Inns of Court, for promoting the study of Law and Jurisprudence, the revenues properly applicable to that purpose, and the means most likely to secure a systematic and sound education of students of Law, and provide satisfactory tests of fitness for admission to the Bar.”

In the Report of that Commission it was stated that—

“None of the Inns are corporate bodies; they are merely voluntary societies, and a great part of their income is still derived from the contributions of their members.”

He thought these Societies could scarcely be described as voluntary, because admission to one of them was essential in the case of every person desirous of being called to the Bar, and certain payments had to be made by every person who was admitted. With regard to two of these Societies, it appeared they held very large property, and it was impossible for a single moment to take any other view than that the Inns of Court were discharging public functions, that they were clothed with great privileges, and that they held their property solely for public purposes. The Report of the Commission stated—

“We conceive that as regards the Temples a direct trust arises by the acceptance of the grant made by James I.; and in justice to the Benchers, who form the governing body of each Inn of Court, we are bound to observe that there is every disposition on their part to render the funds of the Societies available for the purpose of Education of the students, whether such trust exist or not.”

He did not think their Lordships would hesitate to state that, the Inns of Court being invested with a public character and invested with a public responsibility—as they were, in fact, corporations—no harm could result from their being legally incorporated. With regard to the position of the Inns of Court towards the community, the Royal Commissioners made these observations—

“As regards the duty which the Inns of Court owe to the community, whilst conferring on individuals the right of practising at the Bar, it will be proper to call attention to the privileges incident to the *status* of a Barrister. He alone is allowed to plead for others in the Superior Courts of Westminster, and he is not responsible to his clients for negligence or otherwise. He alone is eligible for numerous appointments of considerable emolument and responsibility in this country, including not only the higher judicial appointments, but also the offices of Recorder, Judge of a County Court, or Commissioner of Bankruptcy, and Revising Barrister. The Police Magistrates of the Metropolis also are now selected from the Bar. In the Colonies the judicial appointments open to Barristers only are also numerous. The Inns of Court being intrusted with the exclusive right of conferring or withholding a position to which such privileges as we have enumerated are incident, the community is surely entitled to require some guarantee—first, for the personal character, and next for the professional qualifications of the individuals called to the Bar. The only security at present possessed by those who employ a Barrister as counsel consists in this—that any defect in the Advocate may lead to the loss of practice. But there is not even such security against the appointment of an unfit person to any of the judicial offices to which we have referred. As regards the moral character of the Barrister, considerable attention appears at all times to have been directed by the Societies to the exclusion of persons against whom any grave delinquency can be alleged from admission to the Society in the first instance or to the Bar if it be discovered at a later stage. Farther than this, the Societies possess and have on recent occasions exercised the power of ‘dis-barring,’ or visiting with other severe penalties, after due inquiry, any person who has properly deserved such reprobation, their decision in this respect being subject to an appeal to the Judges. We are of opinion that these precautions have been generally sufficient to prevent any injurious effect to the community with respect to moral impropriety or misconduct in Barristers.”

Now, supposing it to be right that the Inns of Court should exercise the disciplinary power spoken of by the Commissioners, there were at present serious impediments in the way of its due exercise. He would not like to state what might occur—and indeed, what had occurred—in the exercise of that authority. A large number of Benchers might

assemble together to investigate a case, but they had no legal mode of proceeding; they had no power to administer an oath, and they were not surrounded by those safe-guards which every public body discharging such functions should have the advantage of. The Commission of 1854 recommended that the Inns of Court should be united in one University for the purpose of legal education, but remaining separate as to their property. His noble and learned Friend on the Woolsack asked the Benchers of Lincoln's Inn in 1863 to assent to that recommendation, and on his motion they passed this Resolution:—

“That, in the opinion of this Bench, the creation of a Legal University to which the various Inns of Court might be affiliated, and through which legal degrees might be conferred and discipline exercised, would be desirable.”

He thought that, with the recommendation of the Commissioners and the authority of that Resolution, he had laid sufficient ground for the proposal he had to make as to the incorporation of the Inns of Court, and the making of proper regulations for the conduct of their business. Early this year he drafted a Bill and circulated it in the hope that it would elicit useful suggestions for actual legislation. In that Bill he united the two subjects which he now proposed to treat in separate Bills. The Bill was circulated among the Judges, and it was sent to the Inns of Court; but he was bound to say that he did not get all the assistance he could have wished from those Societies. As was usual in such cases, they appointed a joint Committee, and an extremely short Resolution came to him stating that they disapproved his draft Bill. Whether they disapproved particular provisions, or whether they disapproved the Inns of Court being dealt with in the same Bill as dealt with the subject of legal education, he did not know. But since then he had made himself acquainted with objections to his draft scheme, and the Bill which he was now about to propose, and which he would ask their Lordships to read a first time, was somewhat different as regarded the Inns of Court. The Bill after incorporating all the existing Inns of Court, while keeping their several properties distinct, proposed to fix a certain number of Benchers for each of the four Inns. What that number should be was, of course, open to discussion;

Lord Selborne

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the investigation of charges of misconduct brought against members of the profession, the Bill would create a proper tribunal for their hearing. The Judges of Her Majesty's High Court of Justice would be the Visitors. Then as regarded the property of the Corporation and the management of their affairs he proposed to retain the existing powers of the Governing Bodies; but subject to necessary charges and outgoings all surplus or residue was to be appropriated for the purposes of legal education. Such was the outline of the Bill to which in concluding, he would ask their Lordships to give a first reading. Now, as to the other branch of the subject, he was not prepared this evening to ask their Lordships to give the Bill a first reading because it was not yet ready to be put into the printers' hands, but he would state its main provisions. He did not think it necessary to argue points which had been so fully considered by a Committee of the House of Commons in 1846, and again by a Royal Commission in 1854, as to the importance of a sound and systematic study of the law to those who were to follow either branch of the legal profession. That branch of the profession which was composed of attorneys and solicitors long ago came to the conclusion that no young man ought to be admitted to it without having passed an examination; and long ago, also, considerable means of professional instruction were procured by that branch of the profession. In the meantime attempts were made by the Inns of Court, and with some amount of success. What was done was as well done as it could have been under the circumstances, but the proceeding itself was narrow. For a long time there was a hesitation to make examination indispensable before call to the Bar. He did not know whether it was in consequence of the first movement of which he was the exponent in the other House of Parliament, or whether it was merely a coincidence, but after that movement was set on foot, it was determined by the Inns of Court that an examination before call should be made indispensable, and this year witnessed the inauguration of that system. He looked on that as so much ground won, and not as a matter of argument. The Association, whose objects com-

He did not think their Lordships would hesitate to state that, the Inns of Court being invested with a public character and invested with a public responsibility—as they were, in fact, corporations—no harm could result from their being legally incorporated. With regard to the position of the Inns of Court towards the community, the Royal Commissioners made these observations—

“As regards the duty which the Inns of Court owe to the community, whilst conferring on individuals the right of practising at the Bar, it will be proper to call attention to the privileges incident to the *status* of a Barrister. He alone is allowed to plead for others in the Superior Courts of Westminster, and he is not responsible to his clients for negligence or otherwise. He alone is eligible for numerous appointments of considerable emolument and responsibility in this country, including not only the higher judicial appointments, but also the offices of Recorder, Judge of a County Court, or Commissioner of Bankruptcy, and Revising Barrister. The Police Magistrates of the Metropolis also are now selected from the Bar. In the Colonies the judicial appointments open to Barristers only are also numerous. The Inns of Court being intrusted with the exclusive right of conferring or withholding a position to which such privileges as we have enumerated are incident, the community is surely entitled to require some guarantee—first, for the personal character, and next for the professional qualifications of the individuals called to the Bar. The only security at present possessed by those who employ a Barrister as counsel consists in this—that any defect in the Advocate may lead to the loss of practice. But there is not even such security against the appointment of an unfit person to any of the judicial offices to which we have referred. As regards the moral character of the Barrister, considerable attention appears at all times to have been directed by the Societies to the exclusion of persons against whom any grave delinquency can be alleged from admission to the Society in the first instance or to the Bar if it be discovered at a later stage. Farther than this, the Societies possess and have on recent occasions exercised the power of ‘dis-barring,’ or visiting with other severe penalties, after due inquiry, any person who has properly deserved such reprobation, their decision in this respect being subject to an appeal to the Judges. We are of opinion that these precautions have been generally sufficient to prevent any injurious effect to the community with respect to moral impropriety or misconduct in Barristers.”

Now, supposing it to be right that the Inns of Court should exercise the disciplinary power spoken of by the Commissioners, there were at present serious impediments in the way of its due exercise. He would not like to state what might occur—and indeed, what had occurred—in the exercise of that authority. A large number of Benchers might

assemble together to investigate a case, but they had no legal mode of proceeding; they had no power to administer an oath, and they were not surrounded by those safe-guards which every public body discharging such functions should have the advantage of. The Commission of 1854 recommended that the Inns of Court should be united in one University for the purpose of legal education, but remaining separate as to their property. His noble and learned Friend on the Woolsack asked the Benchers of Lincoln’s Inn in 1863 to assent to that recommendation, and on his motion they passed this Resolution:—

“That, in the opinion of this Bench, the creation of a Legal University to which the various Inns of Court might be affiliated, and through which legal degrees might be conferred and discipline exercised, would be desirable.”

He thought that, with the recommendation of the Commissioners and the authority of that Resolution, he had laid sufficient ground for the proposal he had to make as to the incorporation of the Inns of Court, and the making of proper regulations for the conduct of their business. Early this year he drafted a Bill and circulated it in the hope that it would elicit useful suggestions for actual legislation. In that Bill he united the two subjects which he now proposed to treat in separate Bills. The Bill was circulated among the Judges, and it was sent to the Inns of Court; but he was bound to say that he did not get all the assistance he could have wished from those Societies. As was usual in such cases, they appointed a joint Committee, and an extremely short Resolution came to him stating that they disapproved his draft Bill. Whether they disapproved particular provisions, or whether they disapproved the Inns of Court being dealt with in the same Bill as dealt with the subject of legal education, he did not know. But since then he had made himself acquainted with objections to his draft scheme, and the Bill which he was now about to propose, and which he would ask their Lordships to read a first time, was somewhat different as regarded the Inns of Court. The Bill after incorporating all the existing Inns of Court, while keeping their several properties distinct, proposed to fix a certain number of Benchers for each of the four Inns. What that number should be was, of course, open to discussion;

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Court and their regulations, and that of, what he called, a Legal School or Legal University. He was not, however, quite sure that in working out the details of his scheme his noble and learned Friend had sufficiently maintained the distinction. Now, first, as to the Legal University—he thought they ought to have a precise and definite idea as to what was desirable in a supreme Legal University. There could not, in his opinion, be a greater mistake than to erect a Legal University in this country which would be more than an examining authority. What the public had a right to require and what Parliament had a right to provide was this—that there should be a body whose duty and functions would be to secure that no person was admitted to the Bar, or allowed to enter upon the practice of the other branch of the legal profession, without passing examinations with a view to test his fitness for entering that branch of the profession in which he desired to practise. His reason for saying that in his opinion the functions of that body ought not to extend further than examining was this—he believed that any attempt to provide funds for a new Legal School which would be a teaching school would fail and, next, he believed that if they set up a new teaching Legal School they must of necessity exhaust or destroy the Inns of Court and their capacity for teaching. He quite admitted the advantage which would arise if from any source, means could be obtained to found exhibitions or scholarships in connection with what he would term the Examining Legal University: but as to its own functions it ought not, in his view, to go beyond the extent of examining. As regarded the constitution of the University he agreed generally in what his noble and learned Friend had said, but he thought the Governing Body was very much too large. He thought the Inns of Court and the profession of Solicitors ought to be represented upon it, and that there ought to be members on the Senate chosen by the Crown, but the number proposed by his noble and learned Friend to constitute the Governing Body would in practice be found to be too large. He fully concurred with his noble and learned Friend that the Governing Body ought to take care that the area of examining was such as would thoroughly test the acquirements of

those who presented themselves for examination, and shew that the places where they had been educated were such as imparted competence and fitness for admission to the profession. With respect to funds for a legal University having that scope, nothing in his mind could be more simple than the mode of obtaining them. All that was required was to make it a condition that every person presenting himself for examination should, before examination, pay a certain sum of money; and the sums thus received would be perfectly adequate to maintain fully such a Legal University as he described. He now came to the question, what was to be the connection between the Inns of Court and the Legal University and how far the Inns of Court were to be interfered with? He quite agreed with his noble and learned Friend that the idea was not to be entertained for one moment that the Inns of Court were private Bodies in the sense of not being responsible to public opinion and to Parliament; or were Bodies who were to be allowed to continue to grant privileges in connection with the profession of the law, but were to be perfectly irresponsible as to what they did with their property or the powers they exercised. He could not, however, concur in his noble and learned Friend's proposal that Parliament should interfere to incorporate the Inns of Court and regulate their internal government and management. A safe and proper analogy to be acted upon in this case was, he thought, afforded by what Parliament did several years since with respect to Colleges and Universities, and which Parliament might now do with respect to the Inns of Court. A step which he could not but think would be expedient for the Inns of Court was this—that they should be armed with Parliamentary powers for making statutes for their own regulation as places of learning and discipline, as the Colleges had been; that Commissioners should be appointed of a nature, standing, and position analogous to the Commissioners appointed for the Universities of Oxford and Cambridge; that the statutes should be submitted to the Queen in Council; and, further, if no statutes were submitted, or being submitted were not approved by Order in Council, that statutes should then be framed for them through the intervention of the Commissioners.

The Lord Chancellor

As in the case of the Colleges, care should be taken that the Inns of Court, as places of legal discipline and education, should be led to give an education as broad and liberal as possible, and without any attempt being made at the earlier stages of that education to draw lines of demarcation between the different branches of the profession or to narrow the education to be given into a mere dry acquirement of legal rules. The education ought to be large and wide and liberal, and any statutes that did not contemplate that result ought not, he thought, to meet with approbation. He owned that he was not altogether surprised that the Inns of Court did not approve, in the first instance, the proposal to regulate them by incorporation under Bills to be promoted in Parliament against them. He believed that if legislation proceeded upon the lines he had endeavoured to indicate, it would prove extremely beneficial. He knew no one in whose hands he should be more rejoiced to see such legislation than in those of his noble and learned Friend; and if his noble and learned Friend undertook it, he should be most happy to give him every support in his power. If, however, his noble and learned Friend did not do so, he should feel it to be his duty at some future time to make a proposal to Parliament on the subject.

LORD HATHERLEY said, he felt great satisfaction in remarking the advance of opinion in the subject of legal education, since the Commissioners had inquired into the subject; and at the concurrence of opinion of the two noble and learned Lords who had just addressed them, which he trusted would result in the passing of an efficient measure for the establishment of a proper system. In 1845 the Commissioners who were appointed to inquire into the question recommended that a Legal University should be established, of which the Inns of Court should form the Colleges for the purpose of giving a general education in law as distinguished from the technical education which was obtained at a barrister's chambers—of which the public also might avail themselves and acquire a knowledge of the laws by which they were governed. If that proposal were adopted, justices of the peace and magistrates would become better acquainted with the laws which they were called upon to administer; and the

public in general would cease to look upon the law as a dry, barren, dreary, pestilential waste, full of pitfalls known only to those who were acquainted with its paths and who were prone to lie in wait to entrap the unwary; and would come to regard it in the true light as being a noble and beneficent institution for the maintenance of the good government of the country and of the contentment of all subjects of the Realm—for the distribution of property according to just rights, and for the efficient protection of society against fraud and violence. The Commission of 1845, of which he had the honour to be Chairman, was very much indebted to the Inns of Court for the candour and frankness with which they threw open all the accounts of their property to them; but the Commissioners, at the same time, felt that but very little good proportionate to the amount of their property resulted from the existence of these institutions. Lord Westbury took up the question of legal education very warmly; and subsequently his noble and learned Friend took a very leading part in advocating the establishment of a Legal University. His (Lord Hatherley's) desire was that a good sound legal education should be open to all, so that those who did not intend to practise at the Bar, such as military men, might acquire a fair knowledge of the principles of law. He should also rejoice to see the barrier that existed at present between the two branches of the profession broken down. On the whole, he thought the proposals of his noble and learned Friend deserved the most serious and careful attention of the profession and of Parliament.

LORD WAVENEY was understood to offer a few remarks in approval of the noble and learned Lord's scheme.

Bill read 1^a; and to be *printed*.—(No. 169.)

CASE OF ADMIRAL WILMOT.

QUESTION.

VISCOUNT SIDMOUTH in calling attention to the case of Admiral P. E. Wilmot removed from his command in the Mediterranean three years ago by the late Board of Admiralty said, he complained of the exceptional severity with which Admiral Wilmot had been treated

compared with Admiral Wellesley and the other officers concerned. It was true that both the Admirals were superseded in consequence of their vessels running on the rock; but there was nothing in the case of Admiral Wilmot—to whose excellence as an officer he could bear personal testimony—which should call for the exceptional severity displayed towards him. The punishment inflicted on Admiral Wilmot would have the effect of depriving him of the rank to which he would be entitled by his 46 year's service. He trusted Her Majesty's Government would reconsider the case, and would afford Admiral Wilmot an opportunity of obtaining that rank to which he would otherwise be entitled. In seeking to obtain an assurance to that effect from the Government, he might add that he had not been instigated by Admiral Wilmot or by his friends.

THE EARL OF MALMESBURY said, he was not astonished that the noble Lord should have brought this subject forward, having heard him say that he had served under Admiral Wilmot. No doubt every word which the noble Lord had stated in regard to the Admiral's high professional character was deserved, but their Lordships must all feel that, however much a man deserved eulogium, public men had duties to perform which, though painful to them, must be gone through. The late Government had thought fit to supersede Admiral Wilmot and another officer—Admiral Wellesley—for what occurred off Gibraltar. He regretted that in advocating the cause of Admiral Wilmot the noble Lord should have drawn any comparison between the sentence awarded against him and that against his brother officer. Both officers were concerned in the misfortune, and perhaps if they went into particulars some difference in conduct might be found. At the same time, Admiral Wilmot's loss would not be so great as some understood, because in a few weeks he would be placed on the Retired List of Admirals; and it would have been a most unusual thing to give an officer a broken command for a few weeks in order that he might obtain a boon. His right hon. Friend at the head of the Admiralty had considered that the Admiral could not be again employed. The case of Admiral Wilmot had been considered with very great care by the Board of Admiralty, and it was not thought

Viscount Sidmouth

possible to give him that command which it was his object and wish to obtain.

VISCOUNT SIDMOUTH said, that in bringing the subject before their Lordships he was actuated only by a desire to remove the stigma which might be supposed to rest on the reputation of the gallant Admiral concerned.

POOR LAW AMENDMENT (REMOVAL)
BILL [H.L.]

A Bill to amend the law relating to the removal of the Poor—Was *presented* by The Lord HARTISMERE; read 1st. (No. 168.)

House adjourned at Seven o'clock,
to Monday next,
Eleven o'clock

HOUSE OF COMMONS,

Friday, 10th July, 1874.

MINUTES.]—SELECT COMMITTEE—*Report*—Dean Forest [No. 272].

SUPPLY—*considered in Committee*—*Resolution* [July 6] *reported*.

PUBLIC BILLS—*Committee*—*Report*—Sanitary Laws Amendment (*re-comm.*) * [195-202]; Evidence Law Amendment (Scotland) * [165-203]; Industrial and Reformatory Schools * [193].

Considered as amended—Revising Barristers (Payment) * [127].

Third Reading—Slaughterhouses, &c. * [150].

The House met at Two of the clock.

PARLIAMENTARY ELECTIONS ACT, 1868
—BOSTON ELECTION.—QUESTION.

MR. CHARLES LEWIS asked Mr. Attorney General, Whether his attention has been called to the position of the Petition complaining of the undue return of the two Members returned to serve in this present Parliament for the borough of Boston, in the following particulars:—1. That while the Petition complained of the undue return of two Members of this House, the last certificate and report of the Judge deal only with the return of one of such Members; 2. That the Election Judge reserved two questions for the decision of the Court of Common Pleas, whereas the decision of such Court disposes of one only of such questions; and, further, whether it is

now in the power of this House to secure the decision of the Court of Common Pleas on the right to the remaining seat, and on the undecided question?

THE ATTORNEY GENERAL: Sir, the two Reports of Mr. Justice Grove upon the subject of the trial of the recent Election Petition for the borough of Boston are set forth in the Votes of this House of the 8th and 23rd of last month. It appears from the former of such Reports that Mr. Justice Grove, having decided that one of the respondents was not duly elected, reserved two questions for the consideration of the Court of Common Pleas—one of such questions had reference to the validity of certain votes, and affected the claim of the petitioner to be returned in the place of the unseated respondent; the other of such questions had reference to agency, and affected the election and return of the other respondent. It would appear from the second Report of Mr. Justice Grove that the former only of these questions had been disposed of by the Court of Common Pleas at the date of such Report, as it only deals with the seat claimed by the petitioner; and that the other of the questions submitted to them by Mr. Justice Grove had not then been dealt with by them. I have, however, every reason to believe that not only are the Judges fully alive to the state of the case, but that the parties more particularly interested have at present under their consideration how the remaining question can be brought before the Court for decision.

PENSIONS OF OFFICERS OF THE LATE EAST INDIA COMPANY.—QUESTION.

COLONEL JERVIS asked the Under Secretary of State for India, Whether it be true that, contrary to the Regulations of 1796 and the General Orders of the Government of India of 1824, regulating the retirement and pensions of the officers of the late East India Company, and the Acts of Parliament guaranteeing these rights to pension, any Major of the late Bengal, Bombay, or Madras Artillery, has been placed on a retired pension of 14s. 6d., instead of 16s. per diem?

LORD GEORGE HAMILTON: Sir, Majors of the late Indian Artillery have retired on a pension of 14s. 6d. a-day.

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These officers are entitled after 22 years' service to retire on the full pay of their rank, which full pay, according to the Royal Warrant, is 14s. 6d. a-day.

LAND TITLES AND TRANSFER BILL. QUESTION.

MR. CHILDERS asked the Secretary to the Treasury, What is the estimated cost of carrying out the provisions of the Land Titles and Transfer Bill; and, whether there will be any objection to lay upon the Table a Statement in detail of such estimated expenditure, before the House goes into Committee on the Bill?

MR. W. H. SMITH, in reply, said, it was not contemplated that there would be any additional cost to the Treasury in carrying out the provisions of the Land Titles and Transfer Bill. The existing staff in the Land Transfer Office would be sufficient for that purpose.

ARMY—STAFF OF MILITIA REGIMENTS —MEDICAL OFFICERS.

QUESTION.

SIR EARDLEY WILMOT asked the Secretary of State for War, Whether he is prepared to state what are the intentions of Her Majesty's Government with regard to the filling up of vacancies in the Medical Staff of Militia Regiments, seeing that, according to the Army List for June, there are six surgeoncies and twenty-four assistant-surgeoncies vacant; and, whether the Government is prepared to compensate those surgeons who can show up to the present time any loss or hardship, as promised by Lord Cardwell, that individual cases of such should be "fairly considered?"

MR. GATHORNE HARDY, in reply, said, that all the appointments had been suspended until the Regulations with respect to the status and pay of Militia medical officers were issued. Those Regulations were now in preparation, and would shortly be issued. He had the opportunity the other day of seeing a deputation of those officers, and gave them the same information as he now gave to his hon. Friend. As to the question of compensation, he could only repeat what he had said before, that, as in former cases, so also in these, each case would be considered carefully on its own merits.

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NAVY—H.M.S.s. "NARCISSUS" AND
"ENDYMION."—QUESTION.

MR. E. J. REED asked the First Lord of the Admiralty, with reference to the recent grounding of Her Majesty's ships "Narcissus" and "Endymion" in the Bay of Palermo and to the court martial upon the captain and navigating officer of the flagship "Narcissus," and upon the captain of the "Endymion," whether the precedent of the "Agincourt" case will be followed, or whether the Admiral in command is held free from responsibility?

MR. HUNT: Sir, the precedent to which the hon. Member refers has not been followed; but instructions were issued from the Admiralty that the conduct of the Admiral in reference to the occurrence in question should be investigated by court-martial, and the court-martial is now sitting at Devonport.

INDIA—UNCOVENANTED SERVICE.
QUESTION.

MR. GOLDNEY asked the Under Secretary of State for India, Why the leave rules which the Secretary of State for India sanctioned being extended to certain officers of the Uncovenanted Service, have not been brought into operation as regards Bengal, whilst Oude enjoys the benefit of them; whether the roll of officers in Bengal which was in course of preparation in 1872, has been yet received in the India Office; and, if not, what is the cause of delay; and, whether, according to the notification of the Government of India of 14th March 1872, the officers who may be included in the roll, when transmitted and approved by the Secretary of State, will be admitted to the benefit of the rules if they have taken leave after the 3rd of January 1872?

LORD GEORGE HAMILTON: Sir, when the Secretary of State for India sanctioned more liberal leave rules for certain officers of the Uncovenanted Service, he required that lists should be prepared by the Government of India of those officers to whom those rules should apply, and that such lists should be transmitted for the Secretary of State's approval. A list was, accordingly, transmitted by the Government of India in relation to officers in Oude. In regard to Bengal, a list has been received with

a Despatch from the Government of India dated the 26th May, 1874; but by telegram on the 22nd ult., the Secretary of State was requested to postpone any action in relation to that Despatch until the receipt of further information from that Government. Under the notification by the Government of India of the 14th March, 1872, officers who may be included in the list when furnished by that Government and approved by the Secretary of State, will be admitted to the benefit of the rules if they left India on leave on or subsequently to the 3rd of January, 1872.

EAST COAST OF AFRICA—THE SLAVE
TRADE.—QUESTION.

MR. WHALLEY asked the Under Secretary of State for Foreign Affairs, with reference to the policy adopted with a view to the suppression of the Slave Trade on the East Coast of Africa, Whether he is aware that the transportation of slaves is openly carried on, under the Egyptian flag, from the Egyptian port of Massowah, and from Zeybu and Tadjoura, of which Turkey has lately assumed the Protectorate, apparently for facilitating such traffic?

MR. BOURKE, in reply, said, the slave trade on the East Coast of Africa had been very much suppressed. No doubt, however, it was partially revived in other quarters, particularly with regard to the importation of Galla slaves. It having been stated that there was reason to believe that the trade was being carried on at certain places within the Egyptian territory, representations had been made to the Khedive on the subject, and also with respect to the Abyssinian slave trade, and the Khedive had taken very energetic measures on the subject. The Khedive had deposed the pasha who was formerly in command of the whole district, and had put it under another pasha, to whom he had given peremptory orders to take all possible steps to suppress the slave trade. He had no information to give the hon. Gentleman respecting the Turkish slave traffic.

PUBLIC WORSHIP REGULATION BILL.
QUESTION.

MR. NEWDEGATE wished, in the absence of the First Lord of the Treasury, to put a Question to some other

Member of the Government, in consequence of the proceedings of the House having terminated in some confusion early that morning. He wished to know, Whether the understanding that the First Lord of the Treasury would, on Monday, state what day he would assign for the adjourned debate on the Bill would be carried out; and, whether the right hon. Gentleman would on Monday move the suspension of the Standing Orders for Wednesday, with a view to the resumption of the adjourned debate on the latter day?

THE CHANCELLOR OF THE EXCHEQUER said, he wished that the hon. Member had given Notice of his Question, as there was no one there who was in a position now to answer it. When the House met on Monday, no doubt his right hon. Friend would give the hon. Gentleman an answer.

SUPPLY—REPORT.

Resolution [July 3] *reported*.

"That a sum, not exceeding £139,041, be granted to Her Majesty, to defray the Expenses of Greenwich Hospital and School, which will come in course of payment during the year ending on the 31st day of March 1875."

MR. CHILDERS in rising to call attention to the state of the Revenue, and to ask a question of Mr. Chancellor of the Exchequer, said, that on a former occasion, about the middle of May, he asked his right hon. Friend whether, from the facts known at that time, the state of the Revenue might be considered by him satisfactory; and his right hon. Friend, in reply, stated that with respect to the Customs the state of things was satisfactory, that respecting the Revenue generally, and especially the Excise, there was no reason to apprehend there would be any great difference from the statement which had been laid before the House; but that towards the end of the Session he should be prepared to give further information on the subject. A quarter of the financial year having expired, he now proposed to repeat the question in the light of that quarter's experience. The facts as to the Revenue appeared to be that on the quarter the Customs showed a decrease of £287,000. The Excise gave an increase of £43,000, the receipts for Stamps had increased by £69,000, the land and house tax had increased by £51,000, and the Post Office by £170,000; the

receipts from telegraphs had increased by £200,000, and the Crown Lands showed an increase of £3,000. On the other side of the account, the receipts from property and income tax were £97,000 less than in the preceding quarter of the year, and the miscellaneous receipts were less by £160,593. These figures gave an increase of £536,000 and a decrease of 544,593, showing a net decrease of £8,593. The apparent large increase in the Telegraph Service was attributable to the fact that in the previous quarter, only £100,000 was paid in, whereas last year, it amounted to £460,000; nothing, therefore, could be argued from the comparison of the present quarters. Nor could any reliance be placed on conclusions drawn from the payments for Income Tax or the Miscellaneous receipts. He would, therefore, pass on to the three items of Revenue from which we might derive at any period of the year very reasonable anticipations as to the probabilities of the Revenue of the year—namely, the Customs, Excise, and Stamps. With regard to the Customs duties, his right hon. Friend anticipated that they would increase £401,000 on the year, irrespective of the remission of the sugar duty, which he put at a loss of £2,000,000; the anticipated increase on the Excise was put at £918,000; but, on the other hand, his right hon. Friend had remitted the horse duty, a loss estimated at £480,000. With respect to Stamps, the anticipated increase on the year was £330,000. Upon that statement the question was, what amount should have been received during the first quarter of the year? His right hon. Friend, in the first place, expected that the check in the delivery from bond of customable articles, arising from the disclosures that were made by the right hon. Gentleman the Member for Greenwich, in the early part of the year, would add to the current year's receipts. Thus, in April, 2,000,000 pounds of tea were taken out of bond in excess of last year's deliveries, the Revenue gaining £50,000 paid in duty on that article. He (Mr. Childers) added that to a quarter of the remaining anticipated £350,000 gain on the Customs for the year, which would make the increased amount received on Customs £137,000. On the other hand, the right hon. Gentleman had lost during the quarter nearly two months' sugar

duties—for both this and last year, in consequence of the change of duty, the April receipts of sugar duty were of small importance—amounting to something like £350,000; and deducting from it the gain on the other two accounts, the total loss on the Customs would be £213,000 during the quarter. So much for the Customs. On the other hand, the gain under the head of Excise should have been £230,000, inasmuch as the repeal of the horse duty had not taken effect, and on account of Stamps £83,000, making in all £313,000, which, with the loss on the Customs duties of £213,000, should have left a net gain of £100,000 on the quarter in order to fulfil the conditions of the Budget. What had really happened, however, had been that the Customs receipts were £287,000 less than anticipated, and the Excise and Stamps receipts had been more by £43,000 and £69,000 respectively, so that there was a net falling off on the quarter, as compared with the corresponding quarter, of, £175,000. Instead of that, as he had said, the increase ought to have been £100,000; so that the Revenue was £275,000, or at the rate of £1,100,000 on the year, less than was anticipated by the Chancellor of the Exchequer. The question, however, remained whether the first quarter's receipts on these heads might be taken as a basis so as to enable the House to judge as to the probable total receipts of the year, and whether any other financial change was to be allowed. For instance, although it was scarcely probable, the Chancellor of the Exchequer might have not only a decrease in the amount of his anticipated receipts, but also a decrease in the demands which he anticipated would be made upon him, and thus secure his surplus. On this latter point he had not much hope. Already considerable Supplementary Estimates had been voted or promised, including £150,000 for the Navy; and he feared that there was little chance of the Budget expenditure not being reached, if not exceeded. But there were a good many considerations which ought to have due weight in estimating the probable income of the country, so far as it was derived from Customs, Excise, and Stamps; for instance, the state of the labour market, the progress of the home and also of the foreign trade, the imports of food, and the savings banks receipts. First as to

wages, it must be remembered that the wages received by the working classes were much lower than those paid at a corresponding period of last year. For instance, in the iron and coal trade they were now an eighth less than last year; and the state of Staffordshire and South Wales pointed to further reductions. Again, the export trade during the first six months of the present year, on which labour was extensively employed, and therefore wages largely paid, had fallen short by no less than £8,000,000, the amount having diminished from £125,780,000 in the first half of 1873 to £117,831,000 in the corresponding part of 1874. Taking two of the most important divisions of the exports he found that the diminution in regard to iron and steel had been from £19,167,000 to £15,785,000 or 17 per cent, and that in regard to cotton, linen and woollen goods it had been from £59,130,000 to £54,802,000, or 8 per cent. That meant a large decrease in the profits and wages of the trades concerned, and of course the result would seriously affect the Revenue. Another valuable test was afforded by the home trade, the state of which they were enabled to judge by examining the railway traffic returns. The receipts of railway companies whose incomes exceeded £1,000,000 in the half-year had been in the first half of this year £16,088,000, and in the corresponding part of 1873, £15,624,000, showing an increase of only 3 per cent, although $1\frac{1}{2}$ per cent had been added to the mileage. The increase in 1873 over 1872, on the other hand, had been no less than 9 per cent, and in 1872 over 1871, 8 per cent. From these figures it was to be inferred that the home trade had suffered a very decided check. Indeed, if the amount in respect of passengers were deducted, it would be found that there had been an actual reduction in the railway receipts for merchandise in the first half of 1874, as compared with the first half of 1873. Then, with regard to meat imports—and he knew no better test of the actual state of profits and wages—it appeared that, excluding bread-stuffs, which were little altered, and depended on the home production, the amount in the months of May and June last was £2,099,000, against £3,129,000 in the same months of 1873, showing a decrease of £1,030,000. Taking next the balances at the savings banks, a most unusual feature

Mr. Childers

would be noticed. They would find that whereas from June 1873, to April 1874, they increased by no less than £2,500,000, they decreased from £62,931,009 in April last, to £62,842,153 in May, and to £62,747,356 in June, showing a falling off at the rate of £100,000 a month. That was a very remarkable and unprecedented state of things. Although all these facts seemed to indicate that the Revenue had of late lost its former elasticity, and that the falling off was likely to continue, it might yet be that the Chancellor of the Exchequer was in possession of better information which, on being given *per contra*, might seem satisfactory to the House. He would himself refer to the Trade and Revenue Returns for June, which were beyond a doubt more satisfactory than those of April or May, and if that improvement was not casual, but one which was likely to continue, and still more if the harvest were a good one, the Chancellor of the Exchequer might take heart and count on his anticipations being realized. For his own part, he desired to say distinctly that he would rejoice in this quite as much as his right hon. Friend. His sitting on this side of the House did not in the least deter him from hoping for a good surplus, and that his right hon. Friend's Budget might be a success. His present inquiry had no party object. What, then, he desired to ask his right hon. Friend was, whether the figures he had given were correct; whether his deductions from them were sound; whether his right hon. Friend had anything to say which might lead them to take a more sanguine view of the matter than those figures seemed to warrant; and, whether, in the event of his not now anticipating so favourable a result as he had looked forward to when he made his Budget Statement, he intended to take any steps to prevent the House from drifting into a deficit?

THE CHANCELLOR OF THE EXCHEQUER said, the practice usually adopted of calling upon the Chancellor of the Exchequer to make an annual statement of the finances of the country was upon the whole, and under ordinary circumstances, a practice that conduced to public convenience, and was one that ought not lightly to be departed from. Undoubtedly, in many cases within their memory, it had occurred that, after the usual

annual forecast of the Revenue and probable expenditure, it was found at a later period of the Session that for some reason or other the anticipations were likely to prove fallacious, and it became necessary for the Chancellor of the Exchequer, in order to meet some extraordinary expenditure, or because his calculations of Revenue were likely to prove wrong, to ask the sanction of the House to some revision of the financial arrangements of the year. If Government had found that any circumstances had arisen during the three months that had elapsed since the Financial Statement was made, which seemed to call for a revision of their financial proposals, it would have been their duty—and they would not have hesitated to act upon their conviction as to that duty—to come down to the House and make proposals having reference to the alteration in the state of affairs. It was, however, doubtful whether it was for the public convenience that questions of the kind just raised by his right hon. Friend should be brought before the House. He was aware there was a prevailing impression that, somehow or other, the condition of the finances was not satisfactory, and when he (the Chancellor of the Exchequer) asked persons who were of that opinion what grounds they had for it, they gave reasons more or less unsatisfactory; but generally they came to the clinching argument that the Revenue must be in a bad state, because the right hon. Gentleman the Member for Pontefract (Mr. Childers), who was a great authority, had given Notice of an interpellation on the subject. The answer he had ventured to give was after the fashion of the Vicar of Wakefield, who used on solemn occasions in his family to express a hope that, “they might be all the better for it twelve months after,” which he thought a safe thing to say, inasmuch as it was regarded only as a pious ejaculation, if the event turned out satisfactory, while if it proved otherwise, he might gain the character of a prophet. In the same way, he (the Chancellor of the Exchequer) thought that some of the gentlemen who were anxious to know whether he felt uncomfortable about the state of the Revenue, would next year, if there were to be a deficiency, say that they were prophets, and had warned him in time; and, on the other hand, if nothing came of it, why, then, there was no harm

in having put the question. He, however, did not wish to question the sincerity of his right hon. Friend, and he fully believed that his right hon. Friend was as anxious as any one that there should be a satisfactory Revenue for the year. Whatever impression his right hon. Friend had received from the Returns of the Revenue, he (the Chancellor of the Exchequer) could only say, in answer to his question, that he did not share his apprehension. He was not ready to present a revised Budget to the House, but if he were asked to anticipate the Revenue of the current year he should say that that Revenue would justify the figures which he anticipated when he brought forward his Financial Statement. He saw no reason for entertaining anxiety that those figures would not be realized. Of course, there were, and always had been, elements of uncertainty with respect to the Revenue of the year 1874-5. At the beginning of the year there was great anxiety as to the maintenance of the rate of wages, and as to the commercial interests of the country. But the Government took these matters into full consideration before the Budget for the present year was presented to the House. He would not go into all the figures connected with this matter, but he would point out what he thought was the cardinal fallacy on the part of his right hon. Friend—namely, that to ascertain the probable amount of Revenue for the year, they should multiply by four the Revenue of the first quarter of the year.

MR. CHILDERS said, the right hon. Gentleman had misrepresented what he had said on the subject. What he said was, that comparing this year with last, the increase on the quarter might be held to be the measure of the increase for the year.

THE CHANCELLOR OF THE EXCHEQUER said, in that case, perhaps he had not correctly expressed himself. But he took issue with the proposition even as stated by his right hon. Friend, and he would endeavour to show why. He would ask him why it was commonly assumed as an axiom that, if things remained in their normal state, the Revenue of one year was likely to be exceeded by the Revenue of the year following? It was because it was assumed that there was an increase of population, and that that led to a larger

consumption, and consequently, to a larger Revenue year by year. Well, the population of the country increased every year, but the whole of that increase did not occur once for all on the 1st of April. The increase went on continuously throughout the year, and the Revenue from the Customs Excise would go on getting larger after that date, according to the rate at which the population went on increasing. And so it was undoubtedly now. Taking the question, however, on the right hon. Gentleman's own ground, with regard to the Customs, he found, on excluding from both items of account the article of sugar, that the net increase that year, as compared with the corresponding quarter of last year, amounted to £138,570 for the whole quarter, or at the rate of £554,280 for the year. This would give £250,000 more than he expected to get when he made his calculations. But in addition to that, there was the sum of £68,000 in respect of the sugar duty, which made the sum amount to £300,000 more for the Customs than he had reckoned upon. That was on the assumption that the increase in the first quarter of the year would be at the same rate as the increase in the remaining quarters, which never was the case; because, in fact, the large increase in the Customs Duties occurred generally in the third quarter. As regarded the Customs Returns for the month of May, they had, no doubt, been bad; but for the month of June, he found they were remarkably satisfactory in every particular; and the net result for the whole quarter was that, with the single exception of wine, the receipts were largely in excess of the amount he had anticipated, and instead of a falling off, he was glad to state that his Budget calculation for the quarter would be exceeded by £100,000. As to the Excise Revenue, he must frankly own that it had not produced quite as satisfactory results as the Customs Revenue; but here, a large recovery took place in the month of June; and he was not without hopes that, in the end, the Revenue would prove to be equal, or nearly so, to the amount he had estimated. With reference to one of the most important items—namely, that of spirits, he might inform the House that the increase of Revenue for the quarter was about £110,000; and if the receipt for the quarter should

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bear the same relative proportion to the year's Revenue as the receipt for the quarter ending June 1873-4, the total Revenue for the spirit duty of 1874-5 would amount probably to £15,200,000, or £200,000 less than the Budget Estimate. Therefore, against the possible improvement of £300,000 in the Customs duties he set down the possible loss of £200,000 upon the spirit duty. With respect to malt, they were not in a position to make any close calculation, because the question depended very much upon the third and fourth quarters. But although malt had not, so far, produced all that was expected of it, the quantity of sugar taken in for brewing purposes, curiously enough, exactly compensated for the disappointment from malt. The railway receipts, though they had shown a falling off, were now better, and the receipts from the Land Tax and House Duty were decidedly better. With regard to the income tax, he had some satisfactory indications to point out. In the first quarter of 1872-3 the tax of 4*d.* in the pound, with arrears at the rate of 6*d.* to collect, brought into the Exchequer £1,600,000. In the first quarter of last year, when the tax was 3*d.* in the pound, with arrears at the rate of 4*d.* to collect, it brought in £1,169,000; so that the difference of 2*d.* in the rate of arrears made a difference of £435,000 in the amount collected. One would have supposed that the loss in 1874-5, when there were arrears at the rate of 1*d.* to be collected, would be £217,000, or half the amount of the loss resulting from a difference of 2*d.*; but the actual loss was only £97,000, and in whatever way the matter was turned over, it seemed that we must get at least £100,000 more from the income tax than had been calculated upon. He did not think it would be convenient at that period of the Session to re-cast or revise the Budget; but a great many of these matters ought to be taken into account. They had been carefully estimated and considered; and, in reference to them, he had a large mass of figures with which he would not now trouble the House. However, he might say with confidence that, at the present moment, he could see no reason whatever for reducing the Estimate of Revenue which he brought before the House when he made his Financial Statement. He could not exactly say

that that was a sanguine estimate, as it had been termed, though he admitted it was a close one. By that, he meant that the estimate was one which took into account, what was not usually taken into account—namely, the prospective increase of the year. Of course, it was the duty of the Government to be careful in what they assumed, and to make provision for a somewhat larger margin than in ordinary years had been thought necessary. Therefore, when the Financial Statement was brought forward, provision was made for a margin of £460,000. Since that Budget was introduced, there had, no doubt, been some Supplementary Estimates, and some others would be brought forward; but with regard to the principal Supplementary Estimate of £150,000 for the Navy, that was introduced shortly after the Budget, and might be taken as reducing the anticipated surplus to £300,000. There was a feature in the Budget calculations to which he ought to call the attention of the House. At the time he made his Financial Statement, it was proposed to take upon the Imperial Revenue a number of local charges, and as he did not know the precise amount it would be necessary to provide in order to meet some of those charges, he thought it would be safe to take the estimate at the full amount which would have to be paid in respect of those charges, as if the whole amount would come within the present financial year. As a matter of fact, however, some of those charges being paid half-yearly, would not come into course of payment during the year, and there was actually required something like £300,000 less than was included in the Budget Estimate. Therefore, the margin which the Government had left must be taken at much nearer £600,000 than £300,000. In reference to the police grant in particular, he might state that the amount to be ultimately given to the police for the year was about £600,000; but half of that was paid after Michaelmas, and half after Lady-day, and the latter payment consequently did not come into the finance of the present year. The Supplementary Estimates which would be shortly presented to the House would, he believed, fall short decidedly of the amount of that saving, and it might be concluded that there would be a much better surplus on the Budget Estimate

than had of late years been usual. Of course, he was unable to say that in the course of the year no accidents would happen, and that no trouble would arise which might affect our receipts; but he certainly did not share the rather gloomy anticipation of his right hon. Friend. The right hon. Gentleman had pointed out what no doubt was true—namely, that the Board of Trade Returns showed a falling off in our exports. But in what respect, and at what time? It was during the last six months of the year. But had his right hon. Friend noticed what a comparative recovery there had been in the month of June? Whereas the falling off in the last six months of the financial year was something like £8,000,000, or considerably more than £1,000,000 a month, in the month of June the falling off was not more than £97,000. April must be described as a moderately satisfactory month, and May as decidedly gloomy; but June was as decidedly encouraging, as May was gloomy. He regretted that he had not with him the figures respecting the Savings Banks. Although they showed a diminution for a considerable time, there had been a change quite recently, and looking at the revival in the consumption of all articles, especially tea, tobacco, and other things which seemed to be falling off, there was a fair prospect, if we were blessed with a good harvest, of a material increase in the Revenue. In making his Financial Statement, he mentioned that the intention of the Government was to create a series of annuities with a view to redeem £7,000,000 of Debt. For that purpose, it was intended to apply the interest on the advances made by the Public Works Loan Commissioners. That interest might be taken at, as nearly as possible, £500,000, and the amount proposed to be set up by way of annuities would come to £439,000. Therefore, some £50,000 would come in to strengthen the miscellaneous revenue in regard to that Debt. It was thought convenient that these annuities should be made payable on the 1st of August, the 1st of September, the 1st of November, and the 1st of December, the object being to suit the convenience of the National Debt Commissioners. In conclusion, he had only to say that if any further specific questions were addressed to him, he would do his best to reply to them.

The Chancellor of the Exchequer

SIR WILLIAM HARCOURT said, they must all be actuated by a desire that the Revenue of the country should be in a prosperous condition. He had for some years been an advocate of what the right hon. Baronet called close Estimates, for he thought the country ought not to be treated as a spoilt child, and it did not want to have its powders administered in jam. Of course, it was for the Government, after having estimated what would be the Revenue and Expenditure, to determine how it would dispose of the surplus, and he should not have risen to make a single remark, but for one statement of the right hon. Baronet, which was not entirely consistent with the principle of close Estimates. The right hon. Baronet informed the House that he calculated the Supplementary Estimates would be covered by the reduced expenditure in respect to the contribution to the police. [The CHANCELLOR of the EXCHEQUER: No.] He was speaking of the reduced expenditure within the present financial year. All he ventured by way of mild criticism to suggest was, that that fact must have been known to the Chancellor of the Exchequer when he introduced his Budget, and that he might as well have mentioned it to the House at that time. In conclusion, he could only express a hope that the expectations of the Chancellor of the Exchequer would be fully realized.

MR. PEASE agreed that as a general rule, it would be an inconvenient practice to have more than one Budget discussion in the year; but at the same time, he was of opinion that the right hon. Gentleman the Member for Pontefract was justified, under the circumstances, in putting his Question, and he was certain the Answer of the Chancellor of the Exchequer would give satisfaction to the country. The recent fall in wages—the consequent decrease in consumption, and the falling off in various branches of industry—were all matters which were calculated to cause anxiety, and warranted the course which had been pursued.

MR. HEYGATE emphatically protested against the doctrine that it was wise and expedient to have close Estimates of Revenue. He thought it was neither a wise, a safe, nor a Conservative policy. It was far less an evil that the taxpayers should pay a little more than was necessary, than that taxes should

be taken off, and then have to be re-imposed. Very close Estimates were apt to starve the public service; while if there was a larger surplus than was expected, it did no harm to any one, but went towards the next year's Revenue.

MR. E. J. REED wished it to be clearly understood that, though the rate of wages paid to the working classes had considerably decreased of late, the decrease followed upon a large and abnormal rise in the wage rate from which the country suffered enormously. He thought it was undesirable that the House should be supposed in any way to under-rate that decrease.

MR. FAWCETT said, he should not have interposed in this discussion did he not feel, from the speeches which they had heard from the two front Benches, that there had been carefully left out of sight one important aspect in which this question might be viewed. This, perhaps, was not altogether unnatural, if they considered what had happened to the finances of the country during the present year. It seemed to him that every day it was becoming more evident that a most serious injury was done to the financial position of the country by the popular financial bids for electoral support which were made by each great party at the last General Election. He knew nothing, however, more creditable to the country than the fact that it did not respond to the financial inducements held out to it—a circumstance which pointed to the improbability of the experiment being tried again. He did not censure the Chancellor of the Exchequer for what had been done, because he was placed in the position of being compelled to do something in order to redeem the promises made by his Chief in his Election Addresses before the last General Election. Two months before the end of the financial year, the then Prime Minister had predicted a surplus between £5,000,000 and £6,000,000, and promised remissions of taxation, which, if they had been carried out, would have required a surplus of £8,000,000 or £9,000,000. How was the deficiency between the promised remissions of taxation and the surplus which the right hon. Gentleman the Member for Greenwich had assumed to exist to be made up? Why, it was to be made up by the re-adjustment of taxes—

a vague, infinite, and unfortunate expression. After all, however, money must be had, and if the late Prime Minister had been attending in his place during the present Session, he certainly should have pressed him to tell the House where he was going to get the money to give these £8,000,000 or £9,000,000 of remission of taxation. That, however, was not all, for the party now in power, instead of taking the dignified course of refusing to enter into a rivalry in the matter of financial bids for popular Votes, went even further in the same direction, and the present Prime Minister, in a series of electoral addresses, made some great promises on the subject of taxation. One day, it was to be the income tax; the next, it was to be a great remission of local taxation; and the next, there were promises which led the farmers to believe that something would be done with regard to the malt duty. If they made a most moderate estimate, the present Prime Minister had raised expectations which it would take a surplus of £20,000,000 to satisfy. The unsatisfactory state of the Revenue was not, in his (Mr. Fawcett's) opinion, due to the fact that some of the anticipated sources of Revenue had been short, but to the circumstance that the Chancellor of the Exchequer had raised expectations which it was next to impossible to realize without creating financial difficulty, and which if he did not attempt to satisfy them, must create a wide feeling of discontent in the country. He would not make a financial prophecy, but he might be permitted to express his opinion, that under present circumstances, it was impossible for the Revenue to maintain the elasticity which had characterized it during the last few years. Every day they saw some great dispute arising between capital and labour, and there could be no doubt that if employment were curtailed and wages reduced, their Excise and Customs' revenue would become less productive. Indeed, the Chancellor of the Exchequer admitted that his Estimates were extremely close, and that some of his sources of income were not turning out as favourably as might have been anticipated. Again, in his Estimates of expenditure, he had allowed for only half the sum for lunatics, and next year £250,000 or £300,000 more than was paid this year, would have to be paid for lunatics. That re-

duced the right hon. Gentleman's surplus of £300,000 to nothing at all. A portion of the income tax would be paid during the present year at 3d., and that tax would yield him a less sum next year. Moreover, gentlemen who took a great interest in local taxation had been assured that what had been done for them this year was only a small indication of the great favours they were to receive; and there was not a single Chamber of Agriculture or concourse of farmers at a market ordinary who supposed that a small allowance for lunatics and police was all the Conservative party, after talking for years about local taxation, was going to do for the agricultural interest, now that it had a great majority at its back. In the existing state of the Revenue, however, it was impossible that those expectations could be fulfilled. Speeches, too, had been made by the Minister for War and the First Lord of the Admiralty which foreshadowed that some more money would be required for their Departments. There was a certain spontaneous and natural increase in the expenditure for the Services over which those two right hon. Gentlemen presided, and after all they had said against "paper regiments" and "phantom fleets," it was not to be supposed that they would let those services suffer in efficiency. Moreover, the Chancellor of the Exchequer had included in his calculations of this year's income a sum of £500,000 for what he called interest on reproductive loans, which he (Mr. Fawcett) really believed to belong to the capital of the country, and which ought not, and had never before been held to constitute a part of the ordinary Revenue of the country. In conclusion, it was important that they should clear the financial atmosphere as much as possible from the confusion unfortunately introduced into it by the events of the recent General Election, and that they should remember that there was much in the general industrial and financial condition of the country which should inspire the Government and the House with great care and caution in regard to revenue and expenditure. He hoped, therefore, that the state of the Revenue did not permit of the promises that had been made being redeemed, the Chancellor of the Exchequer would not hesitate to erase the past and to disregard those promises.

Mr. Fawcett

Mr. HUBBARD (*London*) said, that in estimating the probable future Revenue of the country, the right hon. Gentleman the Chancellor of the Exchequer had proceeded upon an estimate not absolutely accurate, but as accurate as it could be made; and upon that circumstance the hon. Member for Hackney (Mr. Fawcett) had foundered himself, in the gloomy view of the financial state of the country which he had taken. Now that view, so far as the application of public money to the reduction of the National Debt was concerned, had been answered beforehand by the statement of the Chancellor of the Exchequer; but if the hon. Member had looked to a printed paper headed "Sinking Fund," he would find reason rather for gratification than the reverse. That table showed them how the reduction of the National Debt had been dealt with for centuries past, and it appeared from it that, during the last few years especially, the Debt had been reduced by some £2,000,000, £3,000,000, and £4,000,000 at a time. In the face of such facts, it became a matter of comparative unimportance whether the estimate of the Revenue was a few hundred thousands of pounds in excess, or in diminution. The question was simply, whether the Government balance at the Bank of England might be a balance within a few hundred thousand pounds of the estimated amount of the Revenue. There was, therefore, no ground whatever for the position which had been taken up on this question against the Government, and it was a question upon which the hon. Member for Hackney had been wholly misinformed. The hon. Gentleman further said that the Chancellor of the Exchequer, having received £500,000 in repayment of advances made by the Public Works Loans Commissioners, he had applied it in part discharge of national obligations, without taking notice of the source from which the amount came. Nothing could be more distant from the fact. He could tell the hon. Member that £350,000 of that £500,000 passed through his hands, and that that sum represented the interest on advances made by the Public Works Loans Commissioners. These accounts were carefully analyzed, and the Chancellor of the Exchequer had properly applied the money coming into his hands to the most legitimate purpose—the

reduction of the National Debt. The hon. Member for Hackney ought to be gratified to learn that not only were there no grounds for the alarm he had expressed, but that the money in question had been applied by the Chancellor of the Exchequer to the purpose which he (Mr. Fawcett) so strongly advocated.

MR. STANSFELD said, he felt it his duty to express an opinion different from that of the hon. Member for the City (Mr. Hubbard), when he gave it as his opinion that it was a matter of comparative indifference whether the Estimate of the Chancellor of the Exchequer turned out to be £100,000 or £200,000 wrong, more or less. A proposition of that kind, even from such an authority as matters of finance, seemed to be of a somewhat doubtful character. The hon. Member for Hackney (Mr. Fawcett) and the hon. Member for South Leicestershire (Mr. Heygate), might certainly have taken too gloomy a view of the financial prospects of the ensuing year; but the view which he (Mr. Stansfeld) ventured to put before the House was this. He did not think that either the hon. Member for Hackney or the hon. Member for the City was quite right. He could not but understand that an Estimate for whatever purpose, should be as exact as an Estimate could be made. The normal growth of the Revenue should then be taken into account, and allowed for as correctly as possible, in order that the Estimate might be as correct as it could be; and then, if any signs of a decline should present themselves, as now, that should be met by the Chancellor of the Exchequer retaining in his hands a sufficient sum to meet any actual deficiency.

Resolution agreed to.

SANITARY LAWS AMENDMENT
(re-committed) BILL—[BILL 195.]
(Mr. Sclater-Booth, Mr. Clare Read.)
COMMITTEE.

Order for Committee read.

MR. SCLATER-BOOTH, in moving that Mr. Speaker do now leave the Chair, said, the Bill contained no debatable matter of principle. Hon. Members who took an interest in the debates on the subject in 1872 would not be surprised to find that after the lapse of two years some changes and altera-

tions should be necessary in the sanitary laws. He hoped that before long it would be possible to undertake a complete consolidation of them; meanwhile, the Bill before the House was simply for the purpose of amending the Act of 1872 by clearing away its ambiguities and improving its machinery. Many of the Amendments were merely of a technical character, although others were rather complicated; but they set up more clearly the status of the sanitary authorities in the rural districts. The first 18 clauses of the Bill dealt with technical and complicated matters, consisting of clauses for the correction of ambiguities of construction which had presented themselves in the application of the law; and, by Clauses 19 and 20, the Local Government Board took fresh powers to put into force orders which they were authorized to make upon sluggish or reluctant local authorities. It was proposed, among other things, that the Board should have power to obtain a writ of *mandamus*, with the view of compelling a local authority to execute works which might be considered necessary. There were clauses designed to introduce improvements in the election and arrangement of the sanitary bodies, and to put a stop to the present system by which applications for Provisional Orders as to borrowing powers were crowded together at the end of the Session; it being intended, in order to effect the latter object, that parties should be at liberty to give notice at any time during the year of their intention to apply for such Orders. A provision was also introduced into the Bill for distributing the costs of a work over several years, on its being proved to be one of permanent utility. That would be a very valuable power in many cases. There was a very important clause giving power to local authorities to obtain from the magistrates an order to prevent the use of wells, pumps, or cisterns, which were considered unhealthy. The question of the water supply was becoming an urgent one for the whole country, and perhaps before long Government would be able to propose some general provisions on the subject, of a kind which would be greatly to the advantage of the community. It was true, that the Bill might well do more than it did; but he believed it was complete as far as it went, and that by passing it they would

be taking a considerable step in the path of sanitary improvement. It had not been much discussed in the House certainly, but it had been very attentively considered in the country; and he was glad to say that while he had had communications from all parts of the country containing suggestions and hoping the Bill would be passed, not one had come expressing any opposition to it. The right hon. Gentleman concluded by moving that the House go into Committee on the Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Sclater-Booth.*)

COLONEL BARTELOT said, he was glad to hear that the country was satisfied with the Bill, which was, however, only an amending Bill. The water powers contained in the Bill would have to be exercised carefully; as he knew of a case in which water was condemned merely because it was thick, whereas, on its being analyzed, it was found perfectly fit for drinking. Rain water was commonly allowed to run to waste; but in his part of the country it was collected on the downs, and but for that they would be without water at all. He was particularly pleased with the 36th and 37th clauses of the Bill, which gave power for distributing the cost of works of permanent utility over a longer number of years. He must, however, say he thought it was a very inconvenient course to bring in such a Bill as that, and to read it a first and second time without discussion, and then to have a statement made on the Motion for going into Committee. If his right hon. Friend had made the statement which he had just delivered on the second reading of the Bill, people would not have been frightened in consequence of not knowing what the contents of the Bill really were.

Question put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 5 inclusive, *agreed to.*

Clause 6 (Assistant clerk may be appointed instead of clerk).

COLONEL LEARMONTH moved, as an Amendment, in page 2, line 38, after "parish," to insert the words "or council of a borough." His object was to enable the town council in a borough to have a power, similar to that exercised

by unions and parishes, to appoint a sanitary clerk if they wished to do so.

MR. SCLATER-BOOTH hoped that the hon. and gallant Member would not press his Amendment. It would open the door to a multiplication of officers, which the Government thought inexpedient. If the Amendment were carried, it would enable every town council and board of guardians to have an extra clerk for sanitary work.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clauses 7 to 24, inclusive, *agreed to.*

Clause 25 (Power to divide districts into wards at any time, and to settle disputes as to boundaries).

MR. WHEELHOUSE moved, as an Amendment, to insert at end of the clause—

"Or may from time to time alter and re-adjust the areas and boundaries of representation of the several wards in the different districts as may seem expedient to the Local Government Board."

His object was, that the local bodies should have power to re-adjust the representative element, which in some northern towns was continually changing in numbers and rateable value.

MR. STANSFELD objected to the proposed alteration.

MR. SCLATER-BOOTH was perfectly ready to consider the Amendment, if his hon. Friend would introduce it on the Report.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clauses 26 to 30, inclusive, *agreed to.*

Clause 31 (Extension of Lands Clauses Consolidation Act to easements and rights).

GENERAL SIR GEORGE BALFOUR expressed a hope that the right hon. Gentleman who had charge of that Bill would consider on the Report, whether it was not desirable to give larger powers than those given by the clause as it stood, so as to enable different sanitary districts to combine together for the purpose of forming reservoirs for the proper supply of water to the inhabitants—a matter so essential to the health of the community. Moreover, the mere power of forming reservoirs would be quite insufficient without the authority to extend the area for collecting the

Mr. Sclater-Booth

water to be stored in these reservoirs. Much might also be done in the way of storing water by means of bunds or dykes across rivers and streams at suitable places, so as to make the reaches of rivers into reservoirs. The gorges of hills might also be banked up, so as to form reservoirs between ranges now but little used for cultivation. The preservation of trees on the tops of hills and on hill-sides should also be attended to. That able man, Sir Roderick Murchison, often in conversation expressed a decided opinion on the importance of water and trees to this country, and it was to be hoped that the right hon. Gentleman the President of the Local Government Board would go on with his good measures to secure water for the people.

MR. STANSFELD pointed out that the powers which the hon. and gallant Member desired to see enacted already existed under the present law.

MR. SCLATER-BOOTH, as at present advised, thought that the powers which already existed, together with that clause, would enable sanitary authorities to go out of their districts to obtain a supply of water in the manner indicated by the hon. and gallant Baronet.

SIR FRANCIS GOLDSMID hoped that due care would be taken of the interests of the particular district into which another sanitary authority might enter.

MR. SCLATER-BOOTH said, that none of these powers could be exercised, except after inquiry and due notice to the parties interested.

Clause *agreed to*.

Clauses 32 and 33 *agreed to*.

MR. MORGAN LLOYD moved, as an Amendment, the insertion, after Clause 33, of the following clause:—

(Supply of water to districts for drinking and domestic purposes.)

"Any sanitary authority may, for the purpose of supplying its district with water for drinking and domestic purposes, purchase either within or without its district any land covered with water, or any water or right to take or convey water in the same manner, and subject to the same regulations in and subject to which it may purchase land within or without its district. And the word 'land' shall in the enactments relating to such purchase be deemed to include any water or right to take or convey water."

MR. GREGORY said, the clause was unnecessary, because at present there was ample power to obtain a supply of

water for any district not adequately supplied by an existing company. Besides, the insertion of the clause would be found to press very seriously upon the public water companies who now supplied the several districts.

MR. WHALLEY thought the clause was of the highest importance. The hon. and learned Mover of the clause had no wish to interfere with the rights of the existing water companies, but merely to afford facilities, in the interests of the public, for a supply of abundant and good water.

MR. CAWLEY thought there were ample powers existing at the present time to enable local boards to obtain waterworks. He considered that great mischief would be done by the adoption of these words, because the local boards might involve the ratepayers, in considerable expense. It would be a perfect delusion, however, to suppose that the Amendment would enable any sanitary authority to get a sufficient supply without coming to Parliament for compulsory powers.

MR. SCLATER-BOOTH hoped his hon. and learned Friend would be satisfied with the discussion, and not press his Motion. He (Mr. Sclater-Booth) could not consent to the adoption of the addition; but if the hon. and learned Gentleman would allow it to stand over, he would consider whether the wording of the clause could be improved so as to meet the case, and would state the result when the Report was brought up.

MR. MORGAN LLOYD said, he was perfectly satisfied with the assurance of the right hon. Gentleman, and would withdraw the Amendment.

Clause, by leave, *withdrawn*.

Clauses 34 and 35, *agreed to*.

Clause 36 (Amendment of 21 & 22 Vict. c. 98, s. 57. regarding loans to sanitary authorities).

MR. SCLATER-BOOTH observed, that although it was proposed by the clause to extend the period to 60 years, there would be many persons and many wealthy corporations disappointed because it did not go further. He thought, however, it might be regarded as a fair settlement of the case.

MR. HANKEY pointed out that the loans were given on very cheap terms, and that a precedent for extending the

time could not fairly be drawn from the periods named in the Bills, which permitted corporations to raise money from private persons, who would probably demand high rates of interest.

MR. HUBBARD contended that the borrowing powers under private Bills were very different from those under the Public Loan Commissioners Act. He suggested that the limit should be placed at 50 years.

MR. STANSFELD said, he was opposed to the extension of the term of 50 years. The clause not only applied to borrowing and re-borrowing, but the limit was fixed at 60 years. Under that provision, a local authority might have borrowed money for 50 years, and when 40 of those years had expired, might come to the Local Government Board for permission to borrow for a further term of 60 years.

MR. SCLATER-BOOTH said, perhaps the best thing to do would be to reconsider the clause, and if any ambiguity should be found in it he would engage that a new clause should be drawn upon the Report.

Clause *agreed to*.

Clauses 37 to 54, inclusive, *agreed to*.

Clause 55, (Warrant may be granted by a justice to search for unsound food).

MR. CAWLEY moved as an Amendment, in page 15, line 1, after "milk," to omit the words "butter, cheese, and eggs." Many kinds of cheese were not good till they began to decay; and, for his own part, he confessed that unsound cheese was the only kind of cheese which *agreed with him*.

Amendment *agreed to*; words *struck out* accordingly.

Clause as amended, *agreed to*.

Remaining clauses *agreed to*.

MR. PELL moved the addition of a clause, confining operations, in regard to overcrowding, to cases where there was more than one family in a house.

MR. SCLATER-BOOTH said, he could not possibly agree to the clause.

MR. HENLEY said, it might be possible in towns to carry out the law without inflicting hardship, but that was not the case in the country where there were thousands of freehold houses, each of two rooms, occupied by single families. The question was, whether the persons

Mr. Hankey

occupying such houses were to leave off having 10 children.

Clause, by leave, *withdrawn*.

House *resumed*.

Bill *reported*; as amended, to be considered upon *Tuesday* next, and to be *printed*. [Bill 202.]

And it being now five minutes to seven of the clock, the House suspended its sitting.

The House resumed its sitting at nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed.

"That Mr. Speaker do now leave the Chair."

"FIRST FRUITS" AND "TENTHS" OF THE CLERGY.—OBSERVATIONS.

MR. MONK, who had a Notice on the Paper relating to First Fruits and Tenths, said, he rose to call the attention of the House to a subject which was of very considerable interest to the clergy.

Notice taken that 40 Members were not present; House counted, and 40 Members not being present.

The House was adjourned at ten minutes after 9 o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 13th July, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—General School of Law* (170); Slaughter-houses, &c.* (172).

Committee—Working Men's Dwellings (135-171).

Committee—*Report*—Foyle College* (159).

Report—Local Government Board (Ireland) Provisional Order Confirmation* (76).

LEONARD EDMUNDS, ESQUIRE.

PETITION.

THE EARL OF ROSEBERY rose to move that the Petition of Leonard Edmunds, Esquire, presented to the House on the 2nd of July instant, be referred

to the Select Committee on the Office of the Clerk of the Parliaments and the Office of the Gentleman Usher of the Black Rod. The noble Earl said that it would be necessary to the understanding of his Motion that he should lay before their Lordships a brief statement of the case. Mr. Edmunds had been 34 years in the public service. For 17 years he had been Reading Clerk and Clerk of Out-Door Committees to their Lordships' House; and in 1833 had been appointed to the office of Clerk of the Patents, from which he retired, with a pension, in 1865. The charges against Mr. Edmunds, and on which he was deprived of the pension granted to him on his retirement, arose out of his having for over 30 years filled the office of Clerk of the Patents. That office was regulated by the Act 3 & 4 *Will. IV.*, c. 84, so that at the time of Mr. Edmunds' appointment it was practically a new office, and Mr. Edmunds had to start in it without guide or compass. While by the statute the salary of the office was cut down by one-third, the expenses of the office still fell upon the Clerk, and though the duties went on increasing, no additional remuneration was given to him. The extent of the duties of the office might be inferred from the fact that during Mr. Edmunds' tenure of it no fewer than 33,945 patents had been issued, and the sums issued and disbursed amounted to more than £1,500,000. Then, he was refused that which ought to be granted to every public servant—an audit of his accounts. He alleged in his Petition that his public accounts of receipts of "Revenue, fees of office, and payments of imprested moneys, grants of Parliaments running over 31 years, from 1833 to 1864, and amounting, in over 400,000 items of account, to the sum of £1,516,888," were taken from him by the Treasury in 1864, and by them impounded and placed entirely out of his reach. In consequence of some complaints of certain transactions arising from Mr. Edmunds' conduct as Clerk of the Patents, doubts arose as to the propriety of the Pension that had been granted. The Treasury consequently ordered an inquiry, which was committed to two eminent members of the Bar, Mr. Hindmarch and Mr. Greenwood, upon whose finding, certain Reports were drawn up. Their Lordships then de-

termined to appoint a Committee, but the only evidence brought forward consisted of the Reports of the Treasury to which he had referred. The decision of their Lordships' Committee was adverse to Mr. Edmunds and the order for his Pension was rescinded. The noble Lord, the Chairman of Committees brought forward the case of Mr. Edmunds last Session, when he was met by the noble and learned Lord (Lord Selborne) who then sat on the Woolsack, who referred to the inquiry by the Treasury, and to the decision of their Lordships' Committee. The decision of that Committee was entitled to consideration because of the distinguished Peers who served on it; but he thought it must be admitted that it was not the best tribunal for the investigation of a criminal charge against an individual. The Petition presented to their Lordships on the 2nd July, and to which his Motion referred, set forth various representations upon which he prayed for a rehearing and further inquiry. One of these was, that the only evidence before their Lordships' Committee in support of the accusations of "fraud and felony" were the bare allegations contained in a certain Treasury Report of the 31st January, 1865, which Report was composed behind his back, printed, and secretly circulated. He had to deal with a vast range of items without professional assistance. Now there was hardly any one that might not be convicted under such circumstances. In January, 1866, after persevering demands on the part of Mr. Edmunds, the Treasury directed proceedings to be taken against him in Chancery, for the express purpose of taking the whole of his accounts. At that time, he should remind their Lordships the Exchequer and Audit Act had not been passed. Mr. Edmunds denied his liability to account at all in Chancery, but the point was decided against him, and a decree for an account was made by Lord Justice Giffard. This decree amounted to a complete discharge subject to the payment of whatever sums might be found due by him. The whole of the accounts would have been taken by the Court of Chancery; but so great would have been the difficulties attending that mode of proceeding that the inquiry was referred to Arbitrators, whose report made to the Court of Chancery, and made a decree of that Court, would have been equally

binding. The result was that the Arbitrators found that there were due from Mr. Edmunds two sums of £7,872 and £5,000, together exceeding £12,000. It was impossible to say that the decision of the Arbitrators was not technically a legal one; but the reference under which the arbitration proceeded directed an examination of accounts which was never made; testimony which Mr. Edmunds offered was not taken, and the Arbitrators declined to supply him with information as to the details or grounds of their award. They gave no opinion on the claim of Mr. Edmunds to an audit—and it must be borne in mind that they were Arbitrators and not auditors. In spite of all that, there was no rigour which had not been exercised against the unfortunate subject of the Motion now before their Lordships. His pension was taken from him, his name was tainted, and he was thrown into prison for eight months. Against the moral character of Mr. Edmunds—except so far as certain charges which the Committee of their Lordships' House considered not to have been proved—there was no accusation. After hearing the information against Mr. Edmunds, Lord Justice Giffard used this language—

"In one respect, I am happy to say that the arguments and the evidences adduced on behalf of Mr. Edmunds have been successful in clearing his character from all imputation. They have satisfied me that his liability, whatever it may be, is a liability from mistake—mistake under circumstances of very considerable difficulty, brought about, in some respects, because he could not obtain the audits which he asked for, and brought about also by what is a most unfortunate Act of Parliament, which was passed with reference to a given state of circumstances, when, in point of fact, these circumstances changed very materially afterwards. It is with regret that I find myself compelled by the terms of the Act of Parliament to make that last declaration" (meaning for an account of the sums of 12s. 10d.). "I repeat, as I said at the outset, that the defendant's evidence has removed any imputations that can be justly or fairly cast upon his character, and having regard to all the circumstances, the very difficult position in which he was placed, and the facts of the audits being refused, I certainly shall not make him pay any costs."

He knew it was attempted last year to discredit that statement by a representation that Lord Justice Giffard, when using it, had not the materials before him which would have enabled him to see the case in its right light. But the Parliamentary Blue-Book in which all the facts were set out was in his

hands, and had been constantly referred to in the course of the argument, and consequently he was in full knowledge of its contents:—and was it not insulting to the Judicial Bench to say that Lord Justice Giffard would have given such an opinion, while there was still evidence in reserve which would have forced him to arrive at another conclusion? Then as to the Arbitration—it was impossible to say that the Arbitrators were not impartial judges; but in the first place they awarded a lump sum without giving reason for the award, so that Mr. Edmunds was unable to understand the principle on which they proceeded, and in the next place they took no account whatever of his claims against the Government. They were Arbitrators and not auditors. Last year the noble and learned Lord (Lord Selborne) asked their Lordships not to lay down a dangerous precedent. A fresh inquiry in this case could not be a precedent, because it could not happen again that public servants would not have their accounts audited. But would it not be a dangerous precedent to let a public servant go about complaining that he had never received what was his due? Every servant of the Crown having to do with public accounts would seem to be entitled to an audit of his accounts. This was what Mr. Leonard Edmunds had long asked for, and what he asked for now. If on such an audit he was shown to be guilty of fraud, let a prosecution be instituted against him. Why was there no prosecution, and why was there no audit? Had Mr. Leonard Edmunds shrunk from an inquiry? No, he asked for it; and was it just or generous to say that by the arbitration the case was closed against him, and to refuse him an audit on a merely technical ground? Seeing that a noble Lord of the experience of the Chairman of Committees had brought this case frequently before the House, he hoped their Lordships would accede to the Motion. Redress they could not give Mr. Edmunds for the nine years of misery he had endured, the eight months' imprisonment he had suffered, and the reflection that had been cast upon his name; but he did hope that in their wisdom and mercy their Lordships might be pleased to order an inquiry which would show whether Mr. Edmunds was a fraudulent defaulter or an aggrieved public servant.

The Earl of Rosebery

Moved that the petition of Leonard Edmunds, Esquire, presented to the House on the 2nd of July instant, be referred to the Select Committee on the Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod.—(*The Earl of Rosebery.*)

LORD SELBORNE said, that on the 2nd of July he received from Mr. Edmunds a notice that the Petition now before their Lordships had been presented after the other had been withdrawn. This was the notice—

“174, Sloane Street, July 2.

“My Lord,—Having no reply to my Petition to the House of Lords of the 8th ult., your Lordship has thought fit to take shelter under the very doubtful Parliamentary privilege of impunity of slander. I enclose for your Lordship’s perusal and consideration a print of a reformed Petition presented this day with notice for Monday next, the 6th instant.

“I have the honour to remain, your Lordship’s obedient servant,

“LEONARD EDMUNDS.

“The Lord Selborne.”

The slander of which Mr. Edmunds thought it becoming to accuse a Member of their Lordships’ House was a statement made by him last year in the discharge of a duty imposed on him when filling the office now held by his noble and learned Friend on the Woolsack. This statement he made in such a manner that no noble Lord then lifted up his voice to support a Motion very similar to that now before them, although it had been introduced to their Lordships by a noble Lord who occupied a position of of the highest authority in this House. He did not volunteer that statement; but in the position he then occupied, and being responsible for matters connected with public justice, he made his answer to the noble Lord the Chairman of Committees as part of the duties of his office. It appeared, however, that nothing could ever be said in this case, however satisfactory to their Lordships, which would prevent an annual Motion of this kind from recurring in the dog-days, when every Member of their Lordships’ House and every Judge or other person who in the discharge of his duty spoke the truth of Mr. Edmunds was exposed to imputations such as that made against him in the letter from Mr. Edmunds, which he had read to their Lordships. Those imputations were not echoed in the temperate and able speech of the noble Earl who moved the Motion; for, as usual, the noble Earl had shown a discretion which characterized a career

of great promise, and he hoped of future eminence and distinction. But unfortunately a continuation of the annual appeal on behalf of Mr. Edmunds threw on those who were acquainted with the case, and who had had something to do with it officially, the burden of again going over the facts and repeating statements already more than once made in their Lordships’ House. On taking up the Petition presented to their Lordships’ House on behalf of Mr. Edmunds he found that, on the first page, it contained these statements—

“On his retirement in 1865 a pension of £800 per annum was granted to your petitioner by your Lordships’ House; but, on the hereinafter mentioned charges being brought against him, in respect of the office of Clerk of the Patents then held by him, a Committee of your Lordships’ House was appointed, and, on the Report of such Committee, the pension was taken from him. The 12 several specified charges of ‘fraud, felony, larceny, peculation, embezzlement of public money and stealing from Her Majesty,’ of enormous sums of public money in the said office of Clerk of the Patents, so alleged against your Petitioner, amounted altogether to the sum of £93,902 2s. 10d. The only evidence before the aforesaid Committee, in support of these accusations of ‘fraud and felony,’ were the bare allegations contained in a certain Treasury Report of the 31st of January, 1865, composed by the Treasury and laid by them before the said Committee.”

Now, as showing the character and accuracy of Mr. Edmunds’ statements, he might remind their Lordships that instead of a sum of £93,902 2s. 10d. having been alleged as due from him, the greatest sum ever suggested was £9,716 15s. 4d., which, on further examination, was subsequently reduced to a sum of over £7,000. Again, what Mr. Edmunds called a “Treasury Report,” was a Report made as the result of an inquiry asked for by himself. It was only a Treasury inquiry in so far as the Treasury consented to the expense being incurred. Certain differences had arisen, not involving at that time any question relative to Mr. Edmunds’ accounts, between Mr. Edmunds as Clerk to the Commissioners of Patents and some of the subordinate officers in that department; and, in consequence of these disagreements, in a letter to the Commissioners of Patents, dated 10th March, 1864, Mr. Edmunds had asked “that the Commissioners of Patents may be pleased to appoint some competent gentleman at the Bar, of standing and character, to make full inquiry into the office.” On the 3rd of May, in the same year,

the Commissioners issued their instructions for an inquiry, which was confided to two Queen's counsel—Messrs. Greenwood and Hindmarch—against whom personal motives had never been alleged even by Mr. Edmunds. This gentleman had now the audacity to say that the Committee of their Lordships' House had no other evidence before it of the "accusations of fraud and felony" except "the bare allegations contained in a certain Treasury Report of 1865." The inquiry by Messrs. Greenwood and Hindmarch, on which their preliminary Report was founded, lasted 11 days;—and so far from its being held behind his back, Mr. Edmunds was present the whole time. His statement was taken, as were also the statements of Mr. Ruscoe, of the Patent Office, and Mr. Woodcroft, in his presence. The gentlemen conducting that inquiry had before them Mr. Edmunds' pass-book; and on the 12th of July, 1864, they made their preliminary Report, which occupied 125 pages of small print. Mr. Edmunds, having probably received some notice of the nature of that Report, had, in the meantime, communicated with the Lord Chancellor on the 27th of June, 1864, and offered to resign the office which he held under the Commissioners; but, when the Report came in, it was thought necessary that a different course should be pursued. Charges were drawn up against him, and he was called on to show cause before the Lord Chancellor and Vice Chancellors Wood and Kindersley, why he should not be removed from that office. The time for his answer was extended to the 30th of September. On the 20th of September he sent in some remarks on the preliminary Report. He was at that time advised by a solicitor and assisted by an accountant. Before the day appointed for the hearing he lodged to the credit of the Treasury a sum of £7,872 5s. 6d.—being part of the sum found due from him by Messrs. Greenwood and Hindmarch, and his resignation was then accepted. Messrs. Greenwood and Hindmarch drew up some comments on his answer; and Lords Kingsdown and Cranworth having been consulted, they were clearly of opinion that unless those matters were cleared up satisfactorily Mr. Edmunds ought not to continue an officer of their Lordships' House. On the 14th of February, 1865, the then Lord Chancellor presented a Petition from Mr. Edmunds

Lord Selborne

for leave to retire from the office of Clerk at their Lordships' Table, and to be allowed a pension. Lord Westbury, on grounds which subsequently their Lordships did not endorse, abstained from making any opposition to the prayer of that Petition, which was referred to the Standing Committee on the Office of the Clerk of the Parliaments: and, on the Report of that Committee, the facts not being before the House, their Lordships passed a Resolution, allowing Mr. Edmunds a pension of £800 a-year. As soon, however, as the facts got abroad, it appeared that a very great scandal was likely to arise, and on the 10th of March, 1865, a Select Committee was appointed to inquire into the circumstances attending the resignation of the offices and the grant of the retiring pension. That Select Committee took oral evidence; Mr. Edmunds himself was examined at great length during part of four days, on the points into which an inquiry was now sought. His evidence on those points alone occupied 94 pages. Mr. Greenwood, Mr. Hindmarch, and several other witnesses were also examined—one of them being Mr. Hooper, an accountant whom Mr. Edmunds himself had employed. No one could read through the Report of the evidence taken by that Select Committee without seeing the untruth of the statement, that—

"The only evidence before the aforesaid Committee in support of these accusations of 'fraud and felony' were the bare allegations contained in a certain Treasury Report of the 31st of January, 1865, composed by the Treasury and laid by them before the said Committee.

Nothing could be more remote from the truth; as might be seen in the Report of the Committee, which occupied, with the evidence taken, 318 closely printed pages. The Report stated that Mr. Edmunds had retained in his own hands, during a period extending over 10 years, large sums which he ought to have paid into the Exchequer to the credit of the Crown. That was a finding on a charge which had nothing whatever to do with audit or non-audit. It had also been shown that with public money Mr. Edmunds had purchased stamps at a lower price and sold them at a higher price to patentees. The Committee said that, as far as related to the mere buying of stamps at the lower price and selling them at the higher price, such a practice was stated to have prevailed in other offices; but the que-

tion in this case was, whether this had been done with public money? He would not now go into the question whether, even where the purchase was made with the private money of the public officer, that practice could be defended; for the present purpose that question might be ruled in the affirmative, and still Mr. Edmunds would not be clear, because what he did—as the Committee found to be clearly established—was not to buy those stamps with his own private money, but to buy them with the public money; and surely nothing could be said for that. On the Report of that Select Committee, his noble Friend behind him (Earl Granville) moved the rescission of the Resolution granting the pension, and that Motion was agreed to *nomine contradicente*—except that perhaps his noble Friend the Chairman of Committees might have dissented. But now, nine years after the subject had ceased to excite great public attention and great public interest, and although inquiries had been made when the facts were recent, such as those he had described to their Lordships—after full and fair inquiry and examination—after conclusions judicially arrived at and acted upon—they were asked to send the case to be again inquired into by the same Standing Committee which, through a former miscarriage in the matter, had made that recommendation of a pension, the inadvertent adoption of which was rectified by the Report of the Select Committee and the subsequent vote of the House. Whatever compassion they might feel for this unfortunate gentleman, their Lordships ought never to forget their responsibility to the public for maintaining with a high hand the duty of all public officers to be scrupulously honest and faithful in their dealings with the public money. But when a public inquiry had shown that a public officer had failed in the discharge of this duty, even though there might be some ground for hoping that he might have done so from a misconstruction of his duty, it would be setting a bad example for their Lordships to endeavour to reverse a decision which they had previously arrived at after careful consideration of the result of a full and complete inquiry. He now came to the allegations of Mr. Edmunds with reference to the Chancery suit, which followed. Mr. Edmunds, in his Petition, complained that certain matters which he wished to have brought out

were not laid before the Court by the Crown; but in doing so he ignored two facts. In the first place, the Reports of Mr. Greenwood and Mr. Hindmarch could not have been made evidence against Mr. Edmunds in that suit; and in the second, the Crown was only required to set forth as much as was necessary to make out a *prima facie* case for asking the Court to grant a decree for accounts. Mr. Edmunds seemed to be under the impression that the Reports of those gentlemen, and also the proceedings before the Select Committee of their Lordships' House, were nevertheless judicially before the Vice Chancellor, because he himself, in some parts of his own evidence, had referred to parts of those Reports, not, however, for the purpose of admitting, but for that of contradicting and denying their truth. But no reference of this kind to these documents, which were not even mentioned in the pleadings or evidence of the Crown, could entitle the Court so much as to look at them, for any other purpose than that of merely following and understanding Mr. Edmunds' own affidavits. Again, Mr. Edmunds stated that he was forced into an arbitration in spite of his vehement protest to the contrary. But what were the facts? The fact was that Mr. Edmunds wrote to Mr. Disraeli, the then Prime Minister, a letter in which he appealed to him to direct that, for the sake of saving litigation, all questions contained in the Information and in his answer should be submitted to the arbitration of two or three gentlemen, and promising that, if all those matters were referred to arbitration, he would not proceed with a then pending action, which he had brought against Mr. Greenwood. On the 16th of October, 1868, Mr. Edmunds received a reply from Mr. Sclater-Booth, in which it was stated that the Lords of the Treasury had no objection to entertain Mr. Edmunds' proposal; and it was added that while the law should be taken to have been correctly laid down by the Vice Chancellor, the Arbitrators would be at liberty to consider whether there were any moral grounds for recommending that Mr. Edmunds should be relieved from the payment of all or any part of the sum, if any, they might find to be due by him, and he was to be at liberty to submit to the Arbitrators any counter-claim he might have against the Crown. In October, 1868, Mr. Edmunds wrote to Sir John Karslake—

"As Her Majesty's advisers have now acceded to my request for an arbitration, I hope you will be so good as to give my proposed Minutes of Order your earliest attention."

Some delay occurred, owing to differences as to the precise terms in which the submission to arbitration should be expressed; and on the 26th of June, 1869, the action of "*Edmunds v. Greenwood*" came on to be heard, when, by consent of Mr. Digby Seymour, Mr. Edmunds' counsel, Chief Justice Bovill, made an order of reference to arbitration—the reference to be on the footing of Mr. Sclater-Booth's letter, subject to a variation in one paragraph of it, favourable, so far as it went, to Mr. Edmunds, which was embodied in the Order. The Arbitrators appointed were the present Mr. Justice Denman, nominated by the Crown, and the present Baron Pollock, nominated by Mr. Edmunds—men against whose character for justice, integrity, and learning no whisper had ever been breathed—he hoped not even by Mr. Edmunds. The Arbitrators held 11 days' sittings in open Court. They examined Mr. Edmunds, Mr. Greenwood, and other witnesses. Mr. Edmunds was represented by able counsel—Mr. Higgins, of the Chancery Bar—and the Arbitrators, without differing, and without the necessity of calling in the Umpire, found as followed, on the 27th of November, 1869:—

"1. We award and adjudge, that, on the taking of the accounts of the said order referred to, there is due by the said L. Edmunds the sum of £8,544 18s., including the sum of £3,033 16s. due from him on account of fees and emoluments received by him in respect of the parchments account. 2. That there are, having regard to all the circumstances, moral grounds for recommending the Government to relieve the said L. Edmunds from a part of the moneys due from him on account of the said fees and emoluments received by him in respect of the said parchments account—viz., to the extent of £1,402 6s. 3. That the said L. Edmunds do pay to Her Majesty £7,142 13s., being the amount remaining due after deducting the said sum of £1,402 6s. 4. And as to the said substantive claims brought before us by the said L. Edmunds against the Crown, having regard to all the circumstances of the case, we make no recommendation to the Government in relation to any of such claims. 5. Neither party has any claim against the other in respect of any matters in question in the Chancery suit not concluded by the decree or by this award."

If there was anything wrong in that award, an application might have been made to the Court to set it aside or to refer it back to the Arbitrators. No

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such application was ever made; and not a shilling of the sum awarded to be paid by Mr. Edmunds had been paid to the present day. What further, he asked, remained to be inquired about? How, supposing their Lordships were to set aside all that had been done, could a Committee proceed to decide on any case that might be brought before it? Were the members of the Committee of 1865 to appear before a Committee of 1874 and justify themselves? Were the Arbitrators to attend before a tribunal that had not appointed them, and give an account of their proceedings? Such a proposal as the present had never been heard of—except perhaps in the days of the Long Parliament—and he trusted that their Lordships would decline to give their sanction to it.

LORD REDESDALE observed that there was one thing the Committee, if the Petition were referred to them, might do, and that was to direct a public audit of Mr. Edmunds' accounts. No such audit had ever been allowed, and he thought it would be satisfactory if it were ordered, and a Committee might probably think it their duty to order it at once. The accounts involved sums amounting together to more than £1,500,000, and extended over 30 years, and Mr. Edmunds could scarcely be expected to give a satisfactory answer on the spur of the moment to every question put by the Committee to him in reference to those accounts. As to the course pursued by the former Committee, it was most unsatisfactory, and he said so at the time. The accusation made against Mr. Edmunds was that his accounts were false—and what the Committee did was, they examined the man instead of examining the accounts. The very first thing the Committee should have done was to order an audit of the accounts by the Public Auditor. Mr. Edmunds at the outset, asked to be allowed the assistance of counsel—the Committee allowed it—but on the condition that the counsel should neither address them nor examine witnesses. There was only one way in which these accounts could have been properly investigated, and that was by referring the whole of them to some persons accustomed to investigate accounts. It could not be pretended that the Arbitrators in this case had carried out to the full what was required of them.

LORD SELBORNE: I asserted that they had done so.

LORD REDESDALE maintained that the Arbitrators had not investigated the whole of Mr. Edmunds' accounts, inasmuch as they were lawyers and not persons accustomed to deal with accounts. How was it possible that these two legal gentlemen could have investigated in eight days these multitudinous accounts, involving such immense sums of money? He was anxious that the House should act justly towards one of its old servants, and in order that it should act justly it must demand that Mr. Edmunds' accounts should be fully and fairly investigated. The Committee mentioned in the Petition was unquestionably a perfectly impartial one, and no doubt the first step would be to refer all Mr. Edmunds' accounts to the Public Accountants under the Act of Parliament. That would be satisfactory to everyone. In his opinion, Mr. Edmunds had not been guilty of any transaction which affected his honour as a gentleman, and had not acted in a way that ought to subject him to the displeasure or condemnation of that House; and he fully believed that a full investigation into the accounts would justify him in that statement. Under these circumstances, he thought the House would be merely doing right in acceding to the Motion of his noble Friend.

THE LORD CHANCELLOR said, that it would be quite superfluous for him to enter into any lengthened narrative of the facts of this case after the exhaustive statement that had been made by his noble and learned Friend (Lord Selborne). It had been his duty more than once to look into this question, and his only feeling towards Mr. Edmunds had been one of compassion and regret that a public servant who had passed so many years of his life in the service of their Lordships' House and in other public employment should have been in the position of having such grave charges brought against him. Upon the facts of the case, however, he had never entertained the slightest doubt; and his feeling and regret towards Mr. Edmunds was much weakened when he found him presenting a Petition to the House couched in terms that had rendered it necessary that it should be withdrawn from their Lordships' Table, and then repeating the offence in a letter addressed to the noble and learned

Lord (Lord Selborne). Anything more improper than the statements in the letter he had never heard—and if anything could add to the impropriety of them, it was that the letter came from a man of education, and from one who, by his former position in that House, ought to know how improper it was so to address a Member of their Lordships' House. He would not dwell further upon that communication—especially as the noble and learned Lord did not propose to ask their Lordships, as he might well have done, to take any steps with regard to it. With regard to the objection taken by the noble Lord the Chairman of Committees, that Mr. Edmunds' accounts had never been audited—he was greatly surprised at the statement. There was no magic in the word “audited”—they had not been audited by the Public Auditors, but they had been fully and thoroughly audited by two eminent lawyers—the two gentlemen to whose appointment as Arbitrators Mr. Edmunds had himself been a party. These Arbitrators, after full and careful inquiry, had declared what sum was due from Mr. Edmunds to the Exchequer—and if the award thus made was not an audit and *Quietus*, he did not know what was. He believed the proceedings of the Committee which had investigated this subject in 1865 had been conducted in a satisfactory manner, and that the proceedings in Chancery had been conclusive against Mr. Edmunds. If the noble Lord were right, Baron Pollock and Mr. Justice Denman, the Arbitrators in the case, had not only misapprehended their duty, but they had positively failed in it.

LORD REDESDALE said, he founded his charge upon the fact that the accounts extended over 30 years, and related to £1,500,000, and that the papers were not before the Arbitrators.

THE LORD CHANCELLOR: Upon whose authority was that statement made? Of course, upon Mr. Edmunds'. But the award on the face of it declared the fact that they had taken the accounts, and he demurred to the right of his noble Friend to challenge facts stated upon the award. It was not necessary, in investigating the accounts of Mr. Edmunds before a Court of Justice, to investigate them item by item, it was only necessary to examine those to which he took exception and disputed. He ventured to hope that was the last time,

their Lordships would hear of these allegations founded upon statements made outside the House.

THE MARQUESS OF BATH said, their Lordships had not before them any evidence to preclude them from assenting to the prayer of Mr. Edmunds' Petition to have his case considered by a Select Committee, with a view to the restoration of his pension. From what he (the Marquess of Bath) could gather from the remarks made on this case, Mr. Edmunds had paid into the Treasury after he had retired from his office a sum of £7,800, and considering that in the years in which he had held office, £1,500,000 had passed through his hands of the public money, and that a deficiency in his accounts amounted to only £7,000 or £8,000, and that that deficiency might have resulted from the discounts, which he might suppose to be the perquisites of his office. The question was, not whether the accounts were correct or not, so as to show Mr. Edmunds liable to refund to the Exchequer or otherwise, but whether he had been guilty of any moral offence in regard to his conduct, so that the House should be justified in refusing to continue to him the pension which had been assigned to him as a retiring officer of the House by the Committee on the office of Clerk of the Parliaments on a former occasion.

THE DUKE OF RICHMOND said, that the noble Marquess (the Marquess of Bath) seemed to think that the only question involved in the Motion was whether or not the pension which had formerly been granted to Mr. Edmunds, and afterwards withheld, should be restored to him, and that his noble Friend thought could be done by the agency of the reference to the Committee on the Office of Clerk of the Parliaments now proposed; but his noble Friend ignored everything that had passed, and omitted to notice the fact that there was a sum of money due by Mr. Edmunds to the Government of the country. His noble Friend did not touch that part of the case; and he therefore assumed that the statement of the noble and learned Lord (Lord Selborne) was correct—that there was due from Mr. Edmunds to the public a sum of over £7,000. It was perfectly clear that under such circumstances he could not receive a pension for services rendered as an officer of that House, and that if the Petition were entertained,

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everything that had taken place in connection with Mr. Edmunds' case within the last nine years would have to be opened up.

LORD HATHERLEY believed it would be impossible in any case to consider the question of restoring Mr. Edmunds' pension without going very fully into the whole of the circumstances of the case, and he did not think their Lordships should assent to a course which would re-open questions which had been decided over and over again. When the statement was originally made by Messrs. Hindmarch and Greenwood, under which Mr. Edmunds was shown to owe nearly £9,000 to the country, he anticipated that Mr. Edmunds would be able to offer a strong answer to the statement. To his surprise, however, Mr. Edmunds paid £7,000 without demur, and disputed only the other £2,000. The Arbitrators, who were appointed in the usual way, subsequently found that Mr. Edmunds was indebted to the country to the extent of another £8,000, and in making a Report to that effect, they were absolutely silent on the subject of moral responsibility, though they had the power of pronouncing upon it. When, then, Mr. Edmunds, in anticipation of an award against him, admitted an indebtedness to the extent of £8,000, and the Arbitrators afterwards awarded a further sum of £5,000, his opinion on the whole case was altered. He thought, therefore, it was quite impossible that their Lordships should enter upon any inquiry with regard to the pension.

On Question? *Resolved in the Negative.*

WORKING MEN'S DWELLINGS BILL
(*The Earl of Shaftesbury.*)

(NOS. 135-171.) COMMITTEE.

House in Committee (according to Order).

THE EARL OF SHAFTESBURY moved certain Amendments to meet the objections raised on the second reading. He now proposed that the Corporations, instead of conveying their land in fee-simple for workmen's dwellings, should let it on long leases.

After a short discussion,

THE DUKE OF RICHMOND suggested that, as the Bill, by these Amendments, became almost a new measure, it should be reprinted with the Amendments

Bill passed.

GENERAL SCHOOL OF LAW BILL [H.L.]

A Bill to establish a General School of Law in England—Was *presented* by The Lord SELBORNE; read 1^a. (No. 170.)

House adjourned at half past Seven o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 13th July, 1874.

MINUTES.]—PUBLIC BILLS—*Resolutions in Committee*—Police Force [Expenses]; Court of Judicature (Ireland) [Salaries, &c.].

Ordered—First Reading—Alderney Harbour * [205].

Second Reading—Church Patronage (Scotland) [159]; Mersey Channels * [199].

Committee—Report—Public Health (Ireland) (*re-comm.*) * [53]; Colonial Clergy (*re-comm.*) * [173].

Report—Parliamentary Elections (Returning Officers) * [68-204] [No. 280].

Considered as amended—Industrial and Reformatory Schools * [193].

Third Reading—Intoxicating Liquors (Ireland) (No. 2) * [191]; Revising Barristers (Payment) * [127].

CONTROVERTED ELECTIONS—BOROUGH OF STROUD.

MR. SPEAKER informed the House, that he had received from Mr. Justice Bramwell, one of the Judges selected for the Trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, a Certificate and Report relating to the Election for the Borough of Stroud. And the same was read, to the effect that Mr. Stanton was, and that Mr. Dorrington was not duly elected. The learned Judge also referred to a Report made by him in reference to the Borough, at the General Election in February, by which he still abided, but there was no reason to believe that corrupt practices extensively prevailed in the Borough at the late Election in May, neither had any corrupt practice been proved to have been committed by or with the knowledge or consent of any Candidate. The learned Judge also referred to an agreement common to both parties, as to the payment of travelling expenses, and with regard to one particular case, declined to find the party implicated guilty of bribery, there being no doubt as to which party the vote would have been given had the voter exercised his right. He further said there was evidence of bribery by others, but as the Respondent, Mr. Dorrington, withdrew from the defence of the seat, and the persons charged were not called, he thought he ought not to report that bribery was proved against them. And the said Certificate and Report were ordered to be entered in the Journals of this House.

COAL MINES ABROAD—STATE OWNERSHIP.—QUESTION.

MR. KNOWLES asked the Secretary

of State for the Home Department, If he would inform the House in what parts of Europe coal and other Mines are owned by the State; if he would explain what are the functions of the Minister of Mines in Belgium and Prussia, and whether the inspectors employed in those countries act as cheque viewers as well as inspectors on behalf of the State; in what manner those Governments lease their Mines, whether at a Royalty rent or at a percentage on actual profits, and at what average Royalty or percentage; and, what are the salaries of inspectors in those States?

MR. ASSHETON CROSS, in reply, said, he had no information at the Home Office on the subject, nor was there any, he had ascertained, at the Foreign Office. If, however, his hon. Friend would move for Returns on the subject, he would obtain the information which he required.

INDIAN RELIEF WORKS—WAGES RATE.—QUESTION.

MR. FORTESCUE HARRISON asked the Under Secretary of State for India, Whether the Government has any information enabling it to compare the wages paid to labourers on the Relief Works in the famine districts of Bengal with the terms offered by other employers of labour in the same locality, and notably in Rannegunge, where it is asserted some of the collieries have been stopped in their working owing to the more favourable terms offered to the men at the Relief Works?

LORD GEORGE HAMILTON: Sir, the Collector of Burdwan, in whose district Rannegunge is situated, reported that, on the 4th of May—

“Some correspondence is going on, in regard to the rate of wages paid on the Relief Works in charge of the sub-divisional officer in Rannegunge. The managing director of the Bengal Coal Company has complained that his coolies are attracted away by the rate of wages, two annas and one pice, equivalent to 3d. a-day, given on the Relief Works. The matter is under inquiry.”

Though we have since received several Reports from the Commissioner of Burdwan, no further allusion has been made to this subject, from which we infer that the alleged evil is satisfactorily settled, especially as we know that the number of persons upon the Relief Works in that district has largely diminished. We have no sufficiently accurate informa-

tion to enable us to draw comparisons between the wages paid to labourers on the Relief Works and those offered by other employers in the same localities, but if the hon. Gentleman wishes for that information, a specific question upon that point can be addressed to the Government of India.

IMPORTATION OF FOREIGN CATTLE. QUESTION.

SIR THOMAS BAZLEY asked the Vice President of the Committee of Council on Education, Whether it is true that live cattle imported from Brittany and Normandy into Southampton are not permitted to be forwarded to London; and, if so, what is the ground for this restriction on the Foreign cattle trade; and, whether the Government have any reason to believe that there is now any cattle plague in Brittany and Normandy?

VISCOUNT SANDON: It is true, Sir, that live cattle imported from Brittany and Normandy into Southampton are not permitted to be forwarded to London until they have undergone a quarantine of 14 days, and the same restriction applies to all cattle coming from France. The reason of the restriction is that Germany, Belgium, and Italy are among the countries to which the regulations of the 4th Schedule of the Act of 1869 apply, and as we have no information that satisfactory precautions are taken at the French frontier to prevent the introduction of cattle from the above-mentioned countries into France, or through France into Great Britain, the regulations of the 4th Schedule are applied to France also. There is no reason to believe that cattle plague exists in any part of France.

SUGAR DUTIES—INTERNATIONAL CONVENTION, 1864.—QUESTION.

MR. RITCHIE asked Mr. Chancellor of the Exchequer, If he can give any information as to the actual intentions of the French Government with reference to the complete execution of the Sugar Convention of 1864; and, whether the system of refining in bond is likely to be introduced this season into French sugar refineries?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, there had been a good deal of Correspondence on the subject, both public and private, and the latest information he had was, that no

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answer had yet been received to the last representations made to the French Government with respect to the non-execution of the Sugar Convention of 1864. Her Majesty's Government, however, understood that regulations were being framed for the purpose of refining in bond in the French sugar refineries, but it was not stated when the system was to come into operation.

ADULTERATION OF FOOD—REPORT OF THE COMMITTEE.—QUESTION.

MR. ROWLEY HILL asked the President of the Local Government Board, Whether it is probable that he will be able to bring in a Bill, during the present Session, to give effect to the recommendations contained in the Report of the Committee on Adulteration of Food?

MR. SCLATER-BOOTH: Sir, when I moved, in the early part of the Session, for a Select Committee on the working of the Adulteration of Food Acts, I expressed an earnest hope that the Committee might be able so to restrict the number of witnesses to be examined, that it might be possible to legislate on the subject this year, if legislation were found to be necessary. As the hon. Gentleman is aware, that restriction was not found to be practicable, and the Report of the Committee has only been in our hands within the last few days, it must be obvious, therefore, that it would be quite impossible for me to make any proposal on a matter of so much difficulty and interest in the limited time now available.

ARMY MEDICAL DEPARTMENT—NEW WARRANT.—QUESTION.

MR. GEORGE BROWNE asked the Secretary of State for War, Whether it is intended to issue a new warrant for the Army Medical Department; and, if so, when the issue of such warrant may be expected?

MR. GATHORNE HARDY, in reply, said, that he had received many deputations and memorials on the subject, but it was not at present his intention to issue a new warrant.

EAST AFRICAN SLAVE TRADE. QUESTION.

MR. HANBURY asked the First Lord of the Treasury, What is the present strength of the squadron engaged

in attempting to repress the East African slave trade; what additions have been made to that squadron since the Report of the Select Committee of 1871; and, what further additions to it Her Majesty's Government propose to make?

MR. HUNT: Sir, the ships employed in the repression of the East African slave trade form part of the East Indian squadron. The ships detailed especially for that service are the *Thetis*, the *Vulture* (on the East Coast of Africa), the *Nassau* and the *Daphne* (on the Coast of Arabia), and the *Shearwater*; but the *Daphne* is at present under repair, and the *Shearwater* is temporarily detached for service with the Transit of Venus Expedition. The *London* has been specially fitted out as a depôt ship for Zanzibar, and sailed a few days ago. The *Flying Fish* has just been commissioned, and will shortly sail for the same place. It is the intention of the Admiralty to commission the *Egeria* next month for the same service.

EXPIRING LAWS CONTINUANCE BILL.

QUESTION.

CAPTAIN NOLAN asked the Financial Secretary to the Treasury, If he would postpone the Second Reading on the Expiring Laws Continuance Bill, fixed for to-night, until Thursday, as Members were unable, up to the last sitting of the House, to obtain any information as to what Laws were to be re-enacted?

MR. W. H. SMITH, in reply, said, that the second reading of the Expiring Laws Continuance Bill would not be taken before Thursday next.

ARMY—RETIREMENT OF INDIAN OFFICERS.—QUESTION.

COLONEL JERVIS asked the Under Secretary of State for India, Whether the rules which regulate the retirement of Officers on the full pay of their rank after twenty-two years in India are not those of 1868; whether the Officers of the late East India Company's Service are not entitled to retire under the regulations of 1796 and 1824, and are in no ways affected by the regulations of 1868; whether the General Order of August 12, 1824, states that—

"All Officers who may hereafter retire under the existing regulations shall be allowed the following rates of pay and half-pay respectively,"

the pay of Major, whatever branch of the Service he may have belonged to, being fixed at sixteen shillings per diem;

whether Majors of Artillery are substantive Majors; and, whether between the year 1824 and the passing of the Act 21 and 22 Vic. c. 106, any other retirement regulations whatever were issued by the late East India Company?

LORD GEORGE HAMILTON: Sir, no retiring regulations were issued in 1868. The General Order of August 12, 1824, states that—

"All Officers who may hereafter retire under the existing regulations shall be allowed the following rates of pay and half-pay respectively,"

and the retiring pay of majors is fixed at 16s. a-day. Majors of Artillery are substantive majors, having been promoted by the Royal Warrant of July 5, 1872, from the rank of first captain, thus altering the existing Regulations of 1824, under which there were no Majors of Artillery. In publishing that Royal Warrant, the Government of India notified to these Officers that their retiring pay should be 14s. 6d. per diem, in place of the 10s. 6d. to which under the Regulations of 1824 they were entitled. In 1837 retiring rules were issued, by which pensions were granted for length of service, irrespective of rank.

COLONEL JERVIS said, the noble Lord had not answered his Question, as to whether the Royal Warrant had done away with the provisions of the Act 21 and 22 Vic.

LORD GEORGE HAMILTON: Perhaps the hon. and gallant Gentleman will be good enough to repeat the Question to-morrow.

COLONEL JERVIS: Yes.

THE LATE INDIAN ORDNANCE CORPS —COMPENSATION.—QUESTION.

MR. AGG GARDNER asked the Secretary of State for War, If it is his intention to bring forward, this Session, the short Bill for the settlement of the claims of officers of the late Indian Ordnance Corps, in respect of compensation for the loss of the sale of their Commissions, which in the early part of June he promised should be introduced?

MR. GATHORNE HARDY, in reply, said, that he had had a Bill drafted with that object, but he thought it desirable that it should be seen by some of the bodies interested in the matter in order, if possible, to avoid any dispute in that House. He hoped shortly to introduce the Bill.

JUDICATURE (IRELAND) BILL.

QUESTION.

MR. M'CARTHY DOWNING asked the Chief Secretary for Ireland, Whether he will furnish to the House, previously to the Second Reading of the Judicature (Ireland) Bill, Copies of the Correspondence which has taken place between the Chief Secretary for Ireland and the Attorney General, and the Irish Judges and the Judges of the Landed Estate Court since the 1st of March last?

SIR MICHAEL HICKS-BEACH pointed out that as the Bill in question had already been read a second time, it would be impossible to comply with the suggestion of the hon. Member. At the same time, he was not aware that there had been any Official Correspondence on the subject between the Judges and the Irish Government.

MR. M'CARTHY DOWNING said, that as a matter of fact there had been a Correspondence with the Attorney General.

SIR MICHAEL HICKS-BEACH suggested that in that case it would be better to put a Question to the Attorney General on the subject.

PARLIAMENT—PUBLIC BUSINESS.

PUBLIC WORSHIP REGULATION BILL.

MR. DISRAELI: I promised, Sir, the other evening that, in the interval which would elapse before we met again, I would consider the state of the Public Business, with reference to its probable progress, and make a statement to the House to-night on the subject. What I am about to say has reference not only to Government measures, but to a measure not introduced by the Government, one in which the House takes great interest. I do not know that there is any material fact to remark upon with respect to the programme which I stated to the House a short time ago. There are three Government Bills which have been read a first time, and which it is possible to pass—namely, the Church Patronage (Scotland) Bill, which we shall proceed with this evening; the Endowed Schools Act Amendment Bill, which has just been mentioned; and the India Councils Bill. The Bills respecting judicature and land have all been read a second time, and with regard to other Bills which have also passed that stage, it is not supposed that they will occupy much time in Committee. One day, it

is thought, will finish Supply; and there is also the Indian Budget, which I trust will be brought forward under circumstances that will secure it an attentive hearing. Thanks to the House having generously entrusted to the Government the complete, or almost the complete, control of the time, we may be able, so far as I can judge, to bring all these measures to a close, and to advise Her Majesty to prorogue Parliament about the 5th of August. The House will understand that that is an estimate made upon the assumption that we have the entire, or virtually, the entire control of the time that remains, and the House must be aware that all these calculations and estimates are subject to be influenced by what I may call supervening circumstances. For example, although we are in possession of the time of the House, and may guard ourselves against interruption from any ordinary Motion, or from any Bill, by availing ourselves of the privileges which have been entrusted to us; yet if, for example, the Leader or some other recognized organ of the Opposition chose to give Notice of a Motion amounting to a Vote of Want of Confidence, it would be quite impossible for us to resist its being brought forward. The result would be, that all these arrangements being of a purely technical nature, would have to be changed. Or, if a Bill should be introduced, not by the Government, but at the same time in harmony with the feelings of a great portion of the House, or it might be the whole body of the House, of course, it is clear, that as we obtained possession of the time through the generous confidence of the House, it would not be becoming in us to keep strictly to the letter of the bond, and to refuse an opportunity of considering the measure. That was the feeling of the Government when the Public Worship Regulation Bill was sent down to this House. It had been introduced in the other House of Parliament by persons of the highest authority on the subject with which it dealt, and had been passed by that House almost with unanimity. Under these circumstances, Her Majesty's Government felt that, although they were in possession of the time of the House, it was proper that an opportunity should be given to the right hon. and learned Gentleman the Recorder for the City of London (Mr. Russell Gurney), who has charge

of the Bill, of proceeding with it. I should have been happy if the debate on the second reading of that measure had occupied, as I expected it would, only one night—a long night, of course, but still only one, and although I was disappointed in my expectation, still, on reflection, I think my expectation was not unreasonable, and that there was no adequate reason why the debate should not have been concluded, for although we were favoured by hearing an hon. Gentleman, who takes a great interest in the subject, at considerable length, yet the discussion was not continued, as it might, I think, very well have been continued, after the hon. Gentleman sat down. I perfectly admit that if the Government secures to an hon. Gentleman, under the circumstances to which I have referred, an opportunity of bringing forward a Bill for which Government is not responsible, we are morally bound to take steps with the view of obtaining, if possible, an expression of the opinion of the House upon the measure. It would be a mockery if we were to do otherwise; and therefore I am of opinion, and should under any circumstances have been of opinion, that it was our duty to secure to the right hon. and learned Recorder who has charge of the Public Worship Regulation Bill an opportunity of taking the opinion of the House upon the second reading. But since the second reading was moved, and during the course of the debate upon it, important circumstances have occurred. The right hon. Gentleman the Leader of the Opposition, after a too long and much regretted absence, favoured the House with his opinion upon the second reading of the Bill; and not only favoured us with his opinion, but took the opportunity of offering a solution of the question by himself introducing a measure—that is to say, he placed on the Table certain Resolutions which he proposed to move on going into Committee, and which would form the basis of a measure upon the important subject to which the Public Worship Bill refers. Now, I have given these Resolutions the most anxious attention, with the light of the interpretation which was candidly, and even profusely, afforded by the right hon. Gentleman, and I can only arrive at one conclusion—namely, that they point to the abolition of that religious settlement which has prevailed in this

country for more than two centuries, and on which depends much of our civil liberty. That being the case, and sensible as I am of the danger of allowing a proposition or a measure of such a character, and coming from so high a quarter, to stand over indefinitely, I feel that it is my duty to give Parliament an opportunity of deciding the question. The right hon. Gentleman is a person of the highest authority in the Realm. He has recently been Prime Minister, and I have a right to suppose, and am happy to believe, that he is still a candidate for that office. As the right hon. Gentleman has placed on the Table the Resolutions to which I have referred, containing propositions of commanding interest, I am of opinion that it would be of great danger to the country if these propositions were not to be discussed. Therefore, with the assistance of the House, I shall take steps, in the event of the House consenting to the second reading of the Public Worship Bill, for the purpose of giving the right hon. Gentleman an opportunity of moving his Resolutions. On the second reading being agreed to, I shall make a proposition which will allow the right hon. and learned Recorder to move that the Speaker do leave the Chair, and then the right hon. Gentleman will have an opportunity of bringing forward his propositions. To accomplish those ends, and at the same time to interfere as little as possible with the passing of the measures which have been introduced by Government, and which I believe, if passed, would be of the greatest advantage to the State, I propose that we should meet on Wednesday to continue the debate on the second reading of the Public Worship Bill. I shall move before that time that the Orders of the Day for Wednesday be postponed till after the adjourned debate to which I have referred; and with the consent of the House, I shall also move that the Standing Orders respecting the sittings of the House on Wednesdays be suspended, till that adjourned debate be disposed of. The House will meet on that day, at twelve o'clock, as usual. I hope I am not too sanguine in expecting that the opportunities of taking part in the debate will be felt to be not at all stinted, and that the House will on Wednesday decide whether the Bill should be read a second time or not. If it should be read a second time, I shall

propose that the Committee be fixed for Friday; and on that day, on the Motion that the Speaker do leave the Chair, the right hon. Gentleman the Member for Greenwich will have the opportunity which it is important he should have, of bringing forward his Resolutions, and the House will afterwards be in a position to decide upon whatever course it may be deemed the exigencies of the country require. I hope I have placed my views clearly before the House. I believe, if the Resolutions of the right hon. Gentleman the Member for Greenwich are passed, that they will give a new form and colour to English politics. I do not, of course, know what may be their fate, but whatever it may be, for my own part, they will be met by an uncompromising opposition.

In reply to Mr. MITCHELL HENRY,

MR. DISRAELI said, the next stage of the Irish Judicature Bill had been fixed for Thursday next; but he could not give any promise with regard to the progress of that Bill.

In reply to Mr. FAWCETT respecting the India Councils Bill,

MR. DISRAELI said, he hoped they might take the Bill that evening, because he thought it probable that the debate on the Scotch Patronage Bill might end by nine o'clock; but if not, the India Councils Bill could not come on until next week.

CHURCH PATRONAGE (SCOTLAND)

BILL—[Lords]—[BILL 159.]

(The Lord Advocate.)

SECOND READING. ADJOURNED DEBATE.

SECOND NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [6th July], "That the Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "this House considers it inexpedient to legislate on the subject of Patronage in the Church of Scotland without further inquiry and information,"—(Mr. Baxter.)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

DR. C. CAMERON*: Sir, I must congratulate the right hon. and learned

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Lord Advocate and the various hon. Gentlemen who have supported the Church Patronage Bill in this House, upon their adhesion to the kindly, if delusive, hypothesis that it will tend to re-unite the Presbyterian Churches in Scotland, and bring about an ecclesiastical millennium, in which the lion of Presbyterian Establishment shall lie down [with the lamb of Presbyterian Dissent. I am aware that that hypothesis was cherished by those with whom the present measure originated; for in the Report of the Committee on the Law of Church Patronage, presented to the General Assembly in 1870, I find their position thus laid down—

"This claim (for the abolition of patronage) is urged in the interests of the whole community. . . . The great mass of the people of Scotland are Presbyterians, belonging to Churches which agree in doctrine, discipline, and worship; and, from the previous statement, it appears that the repeal of the law of patronage would at least remove one of the chief obstacles to union."

And then the Report goes on to say, that even should union fail to be brought about, the Church would be able to prosecute its work with the advantage of more friendly co-operation with other Evangelical bodies in Scotland. Unhappily, Sir, when the details of this Bill came to be put down in black and white, it became pretty obvious to all but the most enthusiastic admirers of the measure, that the millennial theory must be given up; that if, through the operation of this measure, the lion and the lamb were ever to lie down together, it would only be after the lion had made a meal of the lamb. Accordingly, we find that the noble Duke (the Duke of Richmond) introduced the Bill in "another place" as a measure avowedly conceived in the interests of the Established Church, and another noble Duke (the Duke of Argyll), the foster father of the scheme, confessed that—

"It was not recommended to the House as a means of re-union with other Churches, but had been prepared for the benefit of the people of the Church of Scotland, with which alone it dealt."—[3 *Hansard*, ccxix. 829.]

I am, therefore, surprised that every speaker who has supported the Bill in this House, with the single exception of the hon. and gallant Member for South Ayrshire (Colonel Alexander), has advocated it as a measure calculated to promote Presbyterian union. I shall now turn to the statistical Returns which

were laid before the House the other day, and see what they teach. In doing so, I must not be taken as admitting their accuracy, for I believe them to be very inaccurate; but I shall deal only with their most salient features, and, I believe, for my purpose, they may be taken as sufficiently correct. Now, Sir, I find from the statement of the committee of the General Assembly, before referred to, that throughout half the Established Church, the election of ministers is already practically in the hands of the congregations. This is distinctly admitted by the Established Church Committee, on whose report the present Bill is based—

“A plan,” they write, “not unlike the scheme now suggested by the Church for the appointment of ministers, is and has for many years, been actually adopted by the Crown, by Corporations, and by not a few private patrons, in giving the choice of the minister to the heritors and communicants. It is accordingly a fact, that lay patronage has become gradually practically obsolete in many of the parishes of Scotland.”

Now, Sir, if the alteration in the law of patronage proposed, can be expected to have the effect its promoters believe, in increasing the hold of the Establishment upon the people of Scotland, we should find that in those districts where the plan analogous to that now proposed, has for many years been actually adopted, and lay patronage has become practically obsolete—we should expect to find that in such districts the Established Church is most powerful as compared with the other Presbyterian Churches, and that in those districts where lay patronage prevailed most extensively the Established Church should be weakest. Now, what we find is precisely the reverse of this. What we find from these figures before us is, that where the system proposed to be made universal under the Bill is most largely developed, the Established Church is weakest, and where it is least developed, she is strongest. Thus, in Aberdeenshire, we find the number of communicants returned at 58,863, a number which, if multiplied by 3, so as to show the number of adherents, would give three-fourths of the entire population of the county as belonging to the Established Church. And yet, on looking over the Synod of Aberdeen, as set forth in *Oliver and Boyd*, I find that in only 43 out of 127 instances, is the patronage vested in congregations, or in the Crown, or corporations, which

make it a practice of selecting ministers in accordance with the wishes of the congregations. In Ross and Cromarty, on the other hand, where the Established Church is in such a notoriously wretched condition, and where, in the Presbytery of Lewis, of 23,000 inhabitants, all but 500 are reported as belonging to the Free Church, we find the great majority of the patronage vested in the Crown, and, consequently, exercised in accordance with the wishes of the congregations. Nor is that state of things confined to the Highlands and islands. In Lanarkshire, for instance, we have 760,000 inhabitants. There, the number of communicants is 62,796, which would give, say, 190,000 adherents or only one-fourth of the population. But I wish to argue in the fairest possible spirit, and shall knock off 160,000 of the population as Roman Catholic, or neglecting ordinances. That would still leave the Established Church as comprising less than a third of the Protestant population of Lanarkshire. And how does patronage stand there? Why, in the Presbytery of Glasgow, which may be taken as representing the county, I find that in 50 out of 70 instances, the patronage is already virtually vested in the hands of the congregations—or in trustees, or in managers, or in the Crown or corporations, which exercise it according to the wishes of the congregations. In Renfrewshire, again, the same state of things prevails. The Established Church does not comprise 25 per cent of the inhabitants, while the patronages in the Presbyteries of Paisley and Greenock are popular in 27 cases out of 41. I need not follow up these facts any further; but I think when we find that in Aberdeenshire, where the clergy are selected by their congregations, only in one case in three, the Establishment comprises three-fourths of the population; while in Lanarkshire, where the patronage is popular in five cases out of seven, the Establishment does not embrace one-third of the Protestant population—when we find this, I say I think these Returns show that if the Church is to be strengthened, and the tide of Dissent is to be stemmed, it must be by some scheme wider and more comprehensive than is to be found in this Bill. For not merely has voluntary Presbyterianism made wonderful progress in Scotland in times past, but it is still advancing. I do not ask the House

to accept this on my authority, I state it on the authority of Dr. Charteris, who, as every Scottish Member knows, is one of the ablest and most enthusiastic advocates of this Bill to be found in the Establishment. And yet in the course of a recent debate before the Assembly, Dr. Charteris said—

"It was remarkable that in a country so poor, prudent, and prone to calculate the future as Scotland, Dissent should have gained so great a hold and be still increasing among the people—that they preferred to pay for the same ordinances which they received at the Parish Church for nothing."

The fact is, that in no religion in these isles does independent voluntarism play such an important part as in the Presbyterian. The Free Church has, in the 30 years of its existence become the possessor of enormous property in the shape of churches, glebes, manse, and schools; it has accumulated a reserve fund amounting to close on £500,000, and last year its income was £511,000. The United Presbyterian Church has an income from voluntary contributions of £300,000 a-year, while in the Establishment itself, the free-will offerings amount to over £270,000—as large, or larger a sum than it derives from State endowments. No wonder that with these facts before them, both Free and United Presbyterian Churches are at one in pointing out that the true way to bring about the re-union of the whole Presbyterian communion is to put all upon the same footing, to leave all free to choose their own ministers—and to pay for them. But a number of hon. Members who have supported the Bill have said it will bring about the union of the Presbyterian Churches. Never. I do not make this assertion on my own authority. I state it on the authority of those who are best entitled to speak. What did the noble Duke (the Duke of Argyll), one of the most ardent supporters of the Bill say on the subject?—

"There is no hope, in my opinion," said he, "of any re-union between the Free Church, the United Presbyterians, and the Established Church of Scotland. The very fact that in the one case they have 600 and in the other 900 ministers supported by voluntary contributions militates against it. There are difficulties amounting to impossibilities which never would admit of the union of the Free and Established Churches."

Again, the Committee appointed by the Established Church to reply to Dr. Cook's dissent from their deliverance,

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approving of the Bill, was obliged to wind up its reply with the admission, that there were other reasons than patronage for the various secessions of the Church, and that it had not been stated or supposed that the removal of patronage alone would be sufficient to reunite the Presbyterian Churches in Scotland. What said Lord Dalhousie, whose last public utterance protested against the Bill, and whose death, I am sure, hon. Gentlemen on either side of the House equally deplore. What did he, a typical Free Churchman say on the subject?—

"They were told that one great object of the measure was to build a bridge over which the members of the Free Church, and others who had seceded from it, would be able to pass in order to re-unite themselves to the Establishment. Anything more preposterous than that he could not conceive. In his view, it was a total impossibility. In that Bill they did not touch the one main cause which led to the disruption of the Church."—[3 *Hansard*, ccxix. 836.]

And that is but an echo of the resolution on the subject come to by the Assembly of the Free Church—a resolution carried by 433 to 69. As to the United Presbyterians who refused, when their Church was re-constituted, to join with the Free, although there was no patronage existing in that Church, how could it be expected that they should regard the present Bill as anything better than a mockery, a delusion, and a snare, intended to prop up what they regard as the unscriptural system of State endowments? In the debate on this Bill a week ago, the hon. Member for Perthshire reminded us of a leap in the dark. I think that those hon. Gentlemen who are urging forward this Bill, under the belief that it will either strengthen the Established Church at the expense of her neighbours, or that it will bring about union with them, are taking a leap in the dark, which, though undertaken for the purpose of "dishing the Dissenters," will land the country in disestablishment. So much for the principles of the Bill, and now as to its details. It fixes the value at which patronage is to be bought up, in the case of private patrons, at one year's purchase. In doing so, the noble Duke who introduced the Bill (the Duke of Richmond) explained the first reason of the Government in these words—

"The value and importance of an article is often tested by the price which it fetches, and

you will find that by some recent returns which have taken place with regard to Church Patronage in Scotland, the price at which a next presentation has been estimated is only one year's purchase."—[3 *Hansard*, ccxix. 375.]

Now, Sir, adopting that very business-like view of the matter—which appears to me exactly to coincide with that of Butler, that—

“The worth of anything
Is just so much as it will bring”—

Government must admit that the value of the Government livings, the patronage of which it is about to transfer, is one year's purchase, and one year's purchase of 319 livings, of which Government possesses the patronage, is a very considerable sum. That sum, which belongs to the country at large, it is proposed to hand over to a sect which only constitutes a fraction of the Presbyterians of Scotland. Then, there are between 40 and 50 patronages vested in various town councils, as representatives of ratepayers, and these are also worth a year's purchase. Here, again, the ratepayers' property is to be handed over to a sect; but the ratepayers' liability for the maintenance of these churches remains as it is. On this ground, I think that portion of the public which does not belong to the Establishment has good reason for complaint. But the Duke of Argyll, one of the largest patrons in Scotland tells us that—

“Government, in giving to private patrons one year's stipend as compensation has given them very much more than they could ever have got in the market.”

If so, I can only say that it has done a very cruel thing, for the Bill provides that the first presentee shall pay the purchase money in four yearly instalments, equal each to the fourth part of his stipend. Now, at present, the position of a Presbyterian minister presented to a new living is hard enough. The act of removal entails upon him expenses often very heavy as compared with his scanty income. Then, his first payment of stipend does not fall due until he has been six months in the parish, and that payment or the greater part of it is, I believe, absorbed by an enforced contribution to the Widows' Fund, so that during the first year of his ministry he has to live almost entirely on credit. It is now proposed by the Bill to cripple his resources still farther, by compelling him to pay over to the patron a quarter of his stipend

for the first four years of his incumbency. I am quite aware that it is expected that the Church at large will raise a fund to meet such cases, and to defray the patronage purchase money. But there is nothing of that in the Bill, and if Parliament is to make over such enormous powers to the General Assembly, as it will when the Bill becomes law, I think that it is bound to exact from the General Assembly some guarantee that that body will not allow to fall on Parliament the reproach of compelling the poor minister to pay his expatron “much more than he could ever have got in the market for his patronage,” in order that future generations might benefit by his sacrifice. What would Parliament have said, for example, when the Abolition of Purchase Bill was before it, had it been asked to declare that the first nominee to a captaincy under the new system should compensate his predecessor by handing over to him 2*s.* 6*d.* per day out of his pay of 10*s.* during the first four years of his new rank? Such a proposal would have been laughed out of the House. And yet that is precisely what we are asked to do in the case before us; and when the Bill is passed, all there will be to prevent us having concurred in such a piece of mean injustice is the vague promise of a few members of the General Assembly, that a general fund shall be formed from which compensation claims shall be satisfied. A French critic, speaking of the celebrated cavalry charge at Balaclava, said it was magnificent, but it was not war; and I think I am justified in saying that the unlimited trust we are through the Bill asked to repose in General Assemblies, their committees, and even their individual members, may be magnificent, but it is not legislation. To show further the crude and impracticable nature of the measure of which we are asked to approve, I may point to the powers proposed to be entrusted to kirk sessions. Upon these kirk sessions devolves the entire charge of carrying out these regulations which the General Assembly are to draw up for the regulation of those who are to constitute the congregations under the Bill, and how the election is to be conducted; without these kirk sessions, in fact, the machinery of the Bill could not be carried out. But, Sir, it is a noteworthy fact that, according to a Report

on kirk sessions presented to the General Assembly in 1870, there were then some 109 parishes in Scotland without any kirk sessions at all. That is certainly a more serious blot on the measure before us than the omission to make any provision for the appointment of clergymen in parishes where there is no congregation at all, of which more than one is said to be found in the Presbytery of Lewis. And now let us look at the powers which it is proposed to place in the hands of the General Assembly. It seems to me that we are asked to delegate to that body, which, it must be remembered, is essentially a sectarian one, powers with which Parliament should never part. It is true that in transferring patronage from the Crown, which is the representative of the whole people, to the Church of a sect—from town councils selected by the whole body of citizens to the Church of a sect—from the whole body of ratepayers, as in the case of North Leith, to the Church of a sect, we have decided that the patronage is to be exercised by communicants and congregations; but we have left the General Assembly to define what constitutes a member of a congregation as it may think best, and to make such regulations in regard to the mode of naming and proposing a minister by means of a committee, and of electing and appointing such minister as may appear good in its eyes. On no ground can the entrustment of such enormous powers to a body such as this be defended, unless, indeed, on the ground that the General Assembly is truly national in its constitution, and truly Catholic in its sympathies. Whether a leaven of representatives from the Royal Burghs entitles the Established Assembly to be considered national I will not pretend to say; but I think the manner in which it has discussed the Bill has amply sufficed to deprive it of any reputation for Catholicity it may ever have enjoyed. On every occasion on which it was proposed either to widen the scope of the ecclesiastical constituency or the field of ministerial eligibility, the Assembly incontinently negatived the proposal. Thus, the hon. Baronet the Member for Fifeshire (Sir Robert Anstruther) moved that the ecclesiastical franchise should be extended to inhabitants of the parishes concerned who were of full age and in communion with any of the Protestant Churches in Scot-

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land. Dr. Wallace proposed to embrace "the whole ratepaying parishioners professing themselves Christians;" and Dr. Cook moved—

"that the election of a minister should not be exclusively in the hands of the communicants of the parish, inasmuch as he is not only the minister of the communicants, but the minister of the parish."

Now, it will be observed that the modification contended for by Dr. Cook has been adopted by Government, and that the election of ministers is no longer proposed to be vested exclusively in the hands of communicants. And yet what was the reception this proposed modification met with? In the course of a rather angry discussion, Dr. Pirie, one of the leaders of the movement which has resulted in the Bill, said—

"If either Dr. Wallace's or Dr. Cook's Motion is carried, I, for one, would be prepared to give up the Bill altogether."

That was received with "Hear, hear," and Sir Robert Anstruther's motion, which commanded the largest support of the three, was negatived by 194 votes to 19. And when we come to proposals to extend the smallest privilege to Presbyterian clergymen of any other sect, what do we find? Why, that they would not be considered for a single moment. Dr. Lees, Paisley, moved that in parishes where communicants did not exceed 25, the communicants of other Presbyterian denominations should be allowed a vote in electing a minister—

"and inasmuch as it is difficult for parishes in the Highlands and islands to obtain qualified ministers connected with the Church of Scotland, it shall be lawful for the aforesaid body of combined electors in such parishes to appoint any ordained minister belonging to any Presbyterian Church holding the same standards as the Church of Scotland, and such minister shall, in virtue of such appointment, have right to the full proceeds of the benefit, and be subject to the Ecclesiastical Judicators of such Presbyterian Church as he may himself elect to adhere to."

This mild proposal to give the dogs the crumbs that encumber the master's table was only proposed, to be withdrawn; as was also a Resolution to a somewhat similar effect proposed by Dr. Wallace, because that gentleman felt it would be vain to persevere with it in face of the determination of the Assembly to accept only the Bill, the whole Bill, and nothing but the Bill. And that is the body to whom we are asked to hand over the power of defining who are to constitute

the electoral body of the so-called National Church, and of drawing up regulations according to which such elections are to be conducted. And yet, in the face of this action on the part of the Established Assembly, several hon. Members, supporters of this Bill, babbled of "mutual eligibility," as if it could, without difficulty, be engrafted on the present scheme. Why, Sir, I should not consider an eligibility, restricted to these wretched livings, which Established clergymen can hardly be obtained to fill, as one which any self-respecting member of the other Churches would accept; but when even that is refused by the Established Assembly, to whose discretion we are asked to intrust everything, why talk of it here? The one circumstance that would have any weight with me in inducing me to support the Bill is, that it would put an end to the scandals which have arisen in disputed settlement cases under the Aberdeen Act. But these scandals are by no means so numerous that we should incontinently pass a crude and vicious Bill like the one before the House in order to get rid of them. A committee of the Established Church, reporting to the General Assembly at its last meeting, says that there have been, since 1844, either before the General Assembly or the Courts of the Church, only 66 cases of disputed settlement, or at the rate of two per annum. But admitting the scandals of these disputed settlements, it is not necessary to pass this Act to do away with them. They arise from the circumstance that under the Aberdeen Act the obnoxious presentee has been often subjected to a degrading ordeal by dissatisfied parishioners, who could urge against him not merely objections based on his life and doctrine, but on his personal peculiarities and defects. It was not necessary to introduce the Bill to remedy that. A Bill of a single clause, enacting the provision of that celebrated Veto Act—that the dissent of a majority of the congregation should, without any reason being assigned, be sufficient to set aside a presentee—would have been sufficient to put an end to all the evils complained of. Scottish Voluntaries—Free and United Presbyterian—have been accused of worse than bad taste in opposing the abolition of restriction on the free election of ministers, against which they all along protested, and for the sake of

freeing themselves from which they left the Church. To me, there is nothing more natural than their opposition. The measure before us was avowedly concocted for the purpose of propping up the Established Church, and of strengthening it at the expense of its self-supporting neighbours. We have been told, in connection with it, not that the abolition of patronage would prevent further schisms in the Church—of which there was no danger—but that it was intended to supply a bridge, across which adherents of the Free and United Presbyterian Churches could go back to the Establishment. It was not intended as a bridge by which the clergy of those Churches could go back to the true fold; there was no talk of mutual eligibility, or a common purse. On the contrary, when, in the other House, it was proposed by the noble Marquess (the Marquess of Huntly) that, in districts where there were less than 20 Established Church communicants, Free Church ministers should be allowed a chance of being elected to the parish church, the proposal was characterized by the noble Duke who had charge of the Bill as the most astounding proposition he had ever heard. What, therefore, do its supporters openly announce to be the aim of the Bill? To strengthen the Establishment by seducing Dissenting congregations away from their clergy. Now, Sir, so far from its being matter of surprise that the congregation and the clergy thus assailed and insulted should resent such treatment, I should say that they must be either more or less than human did they not do so. Hon. Gentlemen opposite threaten the extinction of the Free and United Presbyterian Churches, and cry out in artless astonishment when Synod and Assembly resent the assault made upon them. Engrossed in their vision of an all-absorbent Establishment, they cannot comprehend that—

The U.P. whom they tread upon
In mortal suff'rance feels a pang as great
As when a Bishop dies.

They cry "fie" upon the logic of the Free Church, and flaunt in its face the musty traditional Church politics of 30 years since. I think it was the right hon. Gentleman at the head of Her Majesty's Government who said that luckily this country was not governed by logic but by votes; and those who, in the face of the Free Assembly vote of

three to one, argue about the logical necessity for contentment with this measure on the part of the Free Church only prove themselves incapable of understanding the stern logic of fact. And, let it be remarked, the dissatisfaction with the Bill expressed by these Churches is not one with a proposed abolition of patronage, which both the Churches would be most glad to see, but one with the manner in which it is proposed to accomplish that abolition. They say there is no use patching an old garment with new cloth; if you are going to interfere with the existing state of things, we protest against your legislating in a spirit of avowed hostility to us. A boon to a single Presbyterian sect would be dearly gained if it tended to perpetuate an injustice to half of the Presbyterians of Scotland. The time is long past when any tinkering with patronage can hope to re-consolidate the Church: the only hope for that now is disendowment and disestablishment. And here they are supported by the authority of the noble Duke (the Duke of Argyll), who tells us he has—

“always said there is no hope whatever of the re-union of the Free and Established Churches except on the ground of Disestablishment.”—
[3 *Hansard*, ccxix. 829.]

Sir, I think I have shown that if the Returns before the House teach us anything, they teach us that the passing of the Bill will not assist the Establishment to resist the onward wave of Dissent in Scotland. I have shown that to talk of the Bill as a scheme for union and conciliation is absurd. I have shown that those who talk of “mutual eligibility” in connection with it, know nothing of the feelings of those in whose interest, and at whose promoting, the Bill has been introduced; and I have shown that in the Bill itself, we are asked to delegate to a sectarian body, which throughout its deliberations has exhibited nothing but narrow exclusiveness and greed of power, functions which properly devolve upon Parliament, and upon it alone. We have been told that the Bill, which, supported as it is by Government, is certain to pass, will be the first step towards the disestablishment of the Scottish Church; and I believe that such will be the case. I, for one, shall not regret that consummation of this evening's work; but I consider it my duty to protest against the measure

now before us, as powerless to strengthen any single Church, and calculated to sow dissent and bitterness between the Presbyterian Churches of Scotland. I protest against it as crude in conception, and utterly vicious in principle; and I sit down persuaded that those who now uphold the Bill will before long be convinced of their mistake, and that those against whom it is aimed will, ere many years, see the whirligig of time bring its revenges.

SIR ROBERT ANSTRUTHER said, the hon. Gentleman who had just sat down commenced his observations by referring to the lion and the lamb, and he (Sir Robert Anstruther) was anxious to ascertain from him which was the lion and which was the lamb. It appeared that the Established Church was the lion, and the Free Church and the United Presbyterian Church were the lamb. That was a new feature in the debate. They thought that they had been dealing with people who were opponents, and whose language, speech, and actions towards the Established Church were very different from the actions of lambs. If, however, they had to deal with Bodies whose whole conduct, habit, spirit, and demeanour, were those of lambs, he was visionary enough to think that they might be able to make something of the Bill, and that it might be accepted by the Voluntary Churches in Scotland—as it had been extended to them—as a plain and handsome offer. There was nothing more remarkable in the course of this debate, than this one fact—not a single hon. Member had ventured to oppose the principle of the Bill. He appealed to the right hon. Gentleman the Member for Montrose (Mr. Baxter) if that was not true, and he would have done the same to the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) had he been present; but he (Sir Robert Anstruther) regretted that he was not in his place, though he had been brought up to London by the great glut of ecclesiastical subjects, and he must know that his speech would be commented on by both sides. Well, the right hon. Gentleman (Mr. Baxter) had admitted that there was no case to be made out against the principle of the Bill, while the late Prime Minister had admitted that the abolition of patronage had always been asked for by the people of Scotland.

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But the right hon. Gentleman (Mr. Baxter) came forward to move a hostile Amendment to the Bill, asserting that it was inexpedient to legislate on the subject without further inquiry and information. The late Prime Minister had said that the House must approach the consideration of the question, having reference to the history and feelings and wants of Scotland? Granted that that should be done, was there the slightest ground for saying that any doubt existed as to what were the feelings and wants of Scotland? With regard to the Act of Queen Anne, so far as the principles of the Bill were concerned, it appeared upon the face of it, that the main principle of the measure was that the Act of Queen Anne should be repealed. He took his stand upon that, and he challenged any right hon. Gentleman on either side of the House, to prove that either in England or Scotland the slightest diversity of opinion existed about the Act in question. Nay, he appealed to his right hon. Friend whether there was any room for the slightest doubt in the world of the feeling of Scotland about the Act of Queen Anne. His right hon. Friend had talked much on the ignorance which unhappily prevailed as to all the devious ways which ecclesiastical thought had taken in Scotland during the last few years, and contended that neither the House of Lords nor the House of Commons had any information, upon which they could go to work, as to the wants and feelings of the people of Scotland. Had the right hon. Gentleman ever read the Blue Book of Sir George Sinclair's Committee in 1834? If he had, he would not have fallen into the numerous mistakes which were contained in his speech. It was evident, also, that the late Prime Minister had not read the book; because if he had, he would never have given the House the history of the cause of the disruption which he related the other evening. Did not the right hon. Member for Greenwich know that the opinion of Scotland before the disruption was so clearly expressed in 1842 as to leave no manner of doubt whatever as to what the feelings and wishes of the people were with regard to Queen Anne's Act. In that year a Motion was made by Dr. Cunningham—this was before the Secession—

"That this Assembly resolve and declare that patronage is a grievance and an injury to the cause of true religion, and is the main cause of the difficulties in which the Church is at present involved."

And when the late Prime Minister talked of the causes of the disruption, he would do well to bear that resolution in memory. Dr. Cunningham had said that he did not believe a single man in Scotland could be found to defend the Act of Anne, and that it ought to be regarded with general indignation and abhorrence; and on the 29th of May last, in the Free Church Assembly, Dr. Begg, a high authority, who stood on the old lines of the Free Church—on the lines upon which Dr. Chalmers seceded in 1843, and from which the majority of the people did not intend to depart—notwithstanding the speech of the right hon. Member for Greenwich—also condemned the Act of Queen Anne. Dr. Chalmers himself, the one great central figure of the disruption said, the repeal of that Act would light up a moral jubilee in Scotland, and cause the National Church to become the object of the confidence and affection of all her children. Yet, after all, they were told that nobody knew the feelings of Scotland on this question. But he could quote still further authority for the right hon. Gentleman the Member for Montrose, for he could quote him against himself, and if that were not sufficient for the right hon. Gentleman it was for him. He (Mr. Baxter) said in the course of the same speech in which he said that nobody knew anything of the mind and wishes of the people of Scotland, that—

"No doubt it is eminently satisfactory to the Liberal party to find the Conservative party in this House and its allies in the Established Church of Scotland at last confessing to the evils of a system which they have hitherto laboured to uphold against the continued protests of the Scotch people."

It therefore appeared, according to the statement of the right hon. Gentleman himself, that the people of Scotland had uniformly protested against the Act of Anne, and yet he opposed a Bill which was brought into the House for the purpose of repealing that Act. By a side wind the right hon. Gentleman took the Bill in the flank, not in the front, and two "whips" had been sent out on last Monday and last Saturday by his right hon. Friend (Mr. Adam)

to assist him in carrying his Amendment. Well, would it be believed that the Liberal party, in 1874, was asked to come down to that House and vote against a Bill which proposed to abolish the Act of Queen Anne, against which the Scotch people had so long protested? No doubt, the right hon. Gentleman had been in favour of disestablishment, and he had a right to move an Amendment against a Bill which was going, as he believed, to strengthen the Established Church; but he (Sir Robert Anstruther) and his Friends on that side were not all in favour of disestablishment. But some people did not know whether they were in favour of disestablishment or not. There had been curious blasts from the trumpet during the last week or two. He should like to know distinctly whether the right hon. Gentleman meant that as a hostile Amendment to the Bill or not. It would have been better if he had met it with a direct negative, but he had not done so. The right hon. Gentleman perfectly well understood that in supporting the Amendment, if it was pushed to a division, he was going to vote against the repeal of the Act of Queen Anne. He (Sir Robert Anstruther) was bound to allude to the very extraordinary account of the Free Church Disruption given to them by the late Prime Minister, for a more extraordinary account he never heard. It seemed more like a passage out of a book written by a very distinguished member of the Free Church, called *The Ten Years' Conflict*, and that was about as one sided an account of a great historical transaction as it was ever his misfortune to read in his life. The speech of the right hon. Gentleman was exactly the same. There was little or nothing said about the goodness, piety, greatness, and worth of the work performed by the men of the Established Church who had laboured for years to spread the Gospel amongst the people of Scotland, and for what the late Prime Minister had said about them, they might never have been born. What did he say about the Free Church? He said they were driven out. That he (Sir Robert Anstruther) denied—they were not driven out. The charge was a serious one, and it became those who had any sort of regard for the Established Church of Scotland, or for the

dignity and honour of Parliament, to find out whether it had any foundation. It was eminently desirable that Parliament and the country should be informed whether the statement of the late Prime Minister was or was not correct upon the main cause of the differences which arose; and the main-spring of the Free Church Secession was this—In the year 1834 the General Assembly passed an Act known as the Veto Act, to prevent the intrusion of ministers against the will of the people, an object with which he entirely sympathized. That Veto Act practically repealed the Act of Anne. In fact, the Assembly did then what the Government proposed to do now; but a contention arose at that time as to whether it was in the power of the General Assembly to do what they did. The object sought to be obtained was excellent, but the question was whether it was within the power of the General Assembly to pass the Act, and what was known as the Auchterarder case was brought before the House of Lords, and it was decided by Lord Cottenham that the Assembly had exceeded its power, and done an illegal Act, for they had no power to repeal, control, or interfere with the Acts of the Legislature. It was that Veto Act which was the main cause of the evil. If the General Assembly at that time, finding that they had exceeded their power, had come to Parliament and had asked the Government to assist in getting a repeal of Queen Anne's Act, he did not believe for one moment that they would not have convinced the Legislature of the fairness and reasonableness of their claims. A curious admission was made by the right hon. Gentleman in the course of his speech. He had said that the Bill would have been a capital Bill in 1843, but it was a bad Bill in 1874. Where was the difference in principle? Modifications might no doubt be made in it as it passed through Committee, with advantage; but a measure which would have been sound in 1843, could scarcely be unsound in the present day. Let it not be supposed that he did not appreciate and lament the Free Church Secession, or that he yielded to the right hon. Gentleman in his admiration for the sacrifices which were made by those who left the Church in 1843. He knew the sacrifices

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which they made; he knew the pain and grief it was to them to go; and he knew more—the pain and grief it was to those who remained, to see them go, and who wished for nothing so much as the arrival of the day when the adherents of both the Established and the Free Churches could act on the same platform. Let them not have discord sown amongst the Presbyterian Bodies in Scotland. Let there be nothing to prevent those who left the Established Church from finding the means by which, without dishonour or insult, they might come back again. The right hon. Gentleman supposed, from the number of Established Churchmen as compared with the number of those not in the Established Church—he (Sir Robert Anstruther) would not call them Nonconformists, because they all conformed, but they still fought like little cats and dogs—that the former were in the minority. Well, now, he knew that the adherents of the Church of Scotland numbered 1,448,000, and of the seceded Churches the number was 1,029,000, or, in other words, the numbers of the Established Church were 42·66 as compared with 36·02 of the other Bodies. That, he thought, proved that the statements made as to the other Churches in Scotland were incorrect. The right hon. Gentleman (Mr. Gladstone) then went on to speak upon the Church in the Highlands, and there he made some extraordinary statements indeed, which ought certainly to be explained by himself. He said the number following the Church of Scotland was very small. No doubt, that was true in many parishes, but it was no argument against the passing of the Bill—it was rather an argument in favour of it. The right hon. Gentleman also said—and he must have been thinking at the time, he was making one of his great Irish speeches—that it was the case of Munster and Connaught over again. Now, he should like to know what the right hon. Gentleman meant by his simile; did he mean that similarity of disease demanded similarity of treatment—that the great doctor, finding a certain method of treatment was eminently successful with reference to a particular class of disease—and he had said he intended to abide by the verdict of the world in his treatment of the disease in Ireland—ought to be expected to repeat the treatment?

But did the right hon. Gentleman know anything to justify the treatment of Scotland which he applied in Ireland? In point of fact, the simile which he drew as to Munster and Connaught was clearly not applicable to the case of Ross and Sutherland, and the analogy was as unfair to the truth as it was possible for the imagination to conceive. What was the history of the Irish Church as described by the late Prime Minister himself? His words were—

“It was an alien Church, a monument of conquest and bloodshed, and diametrically opposed in spirit, doctrine, and faith to the feelings of the people of Ireland.”

Would any man venture to stand up in that House and say that the Church of Scotland in Ross and Sutherland was thus opposed to the faith of the Scotch people? He should like to see the man who did so go down to Scotland and make a statement of that kind at a public meeting, and see what a reception he would meet with. He did not wish to deal with the deeds of the Church of Scotland, but he did not hesitate to say that she had been bound up with everything great and good and glorious in the history of that country. And although there were men who went forth from her because they could not conform, yet they never seceded because she was not a voluntary institution. The right hon. Gentleman claimed great credit for the Free Church for not taking part in a wholesale attack upon the Established Church. The right hon. Gentleman was great in ecclesiastical matters. Did he not know that the Free Church left the Established Church because it was not “churchy” enough—not because it was not Voluntary? The Free Church broke away from the Established Church, because the Established Church was not good enough for them; and Dr. Chalmers, whose words, at the time at which they were spoken, were so valuable said, that he and those who followed him were not Voluntaryists, and that an Establishment worked on right principles was the most effective machinery for causing religion to pervade a people. They took their stand from the Established Church as against the Voluntary system, and from that platform the Free Church had never departed. It was in their articles of union, and it was put in their protest, and they waited for the day when the Free Church—when its elders would take the

position which was due to the principles for which they left the Church, and which they so manfully defended. The hon. Member for Glasgow (Dr. Cameron) had just quoted a remark of Lord Dalhousie. He (Sir Robert Anstruther) hoped he might be allowed to express his own deep regret at the loss which Scotland had sustained by the death of that Nobleman, who, by the energy, zeal, and devotion which he threw into the work of the Free Church, had gained for himself the esteem of all its members. The hon. Member for Glasgow had claimed that noble Lord as a Dissenter. He (Sir Robert Anstruther) would read something that was said by the hon. Fox Maule, afterwards Lord Dalhousie, to some Dissenters in Scotland—

"Remember, I am a Churchman, and not a Dissenter. I am as thoroughly convinced of the necessity of an Established Church as I am of any principle of the Constitution."

Again, in speaking at a meeting of the Free Church Assembly in 1858, he said—

"Let us unite together—how I care not: let there be a thorough and complete support of the Protestant institutions of this country."

He thought from that, the attempt to make out that Lord Dalhousie was a Dissenter utterly failed. Everybody knew that the Free Church stood then and stood now on Establishment principles, and if they departed from that platform as a body, the Free Church of 1874 would no longer be like the Free Church of 1843. It would have given up those principles which were held by the great Dr. Chalmers, and embarked on a wide sea, with little prospect of ever coming safely into port. He (Sir Robert Anstruther) stood as a Churchman, and in his electoral address he stated distinctly that he would only agree to reforms which were agreeable to the leaders of the Church of Scotland, and he held that no such reforms were obnoxious to the Liberal party. He had received a great number of letters from his constituents, a large portion of whom were Dissenters, with regard to the conduct of the Government. He would only quote one of them. The writer reproached him for supporting the second reading of the Bill, and he said—"You must very well know that it was drafted by the father of lies." He (Sir Robert Anstruther) however, had

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been under the impression that it was drafted by his right hon. and learned Friend the Lord Advocate, and any one further removed from what men generally conceived the father of lies to be he did not know. Even if it was drafted by that august personage, he hoped the seed sown would produce some good fruit. His right hon. Friend the Member for Greenwich made a very strong point of the fact of the Free Church of Scotland not having been consulted before the Bill was introduced; but he (Sir Robert Anstruther) should have been glad to hear him show how that was practicable under the existing state of things. He should like to hear the right hon. Member for Greenwich elaborate his scheme; but the truth was the right hon. Gentleman had been so busy drawing up his six Resolutions about the English Bill, that he had not time to draw up six Resolutions showing how the Established Church was to approach the Free Church on the basis of a Bill which no one had seen. He (Sir Robert Anstruther) contended it was absolutely necessary that lay patronage should be got out of the way before anything like an approach could, with honour, be made by the Free Church of Scotland; and he was supported in that view by Dr. Chalmers, who, writing to Lord Aberdeen said, that the best ecclesiastical system which could be established in Scotland would be a Church in which the Ministers would be paid by the State and chosen by the people. That was exactly the result of the Bill. Dr. Chalmers further said, that any remnant of patronage would prevent them returning to the Church. Was it not a fair deduction then, that if patronage were entirely abolished, there would be a platform on which re-union could be negotiated? It had however been said, that before there could be re-union there must be "Catholicity of sympathy between the two Bodies," and his hon. Friend the Member for Glasgow said that the Established Church was animated by a spirit of narrow exclusiveness, and greed of power. It was always well to hear the truth of oneself; but he (Sir Robert Anstruther) maintained that instead of having exhibited such a spirit, the Established Church had of late been more tolerant and liberal than some other religious Bodies. He had in his hands a proposal made at the last meeting of the Assembly, and signed by a

large number of the most influential and leading members of the Scotch Church, and which was so liberal that it would admit of the election of the Free Church minister by the Established Church congregation, on the occurrence of a vacancy in any of the Highland parishes, of which so much had been made. That proposal, for want of time, was not adopted, but it showed that the charge of narrow exclusiveness was not well founded. His hon. Friend (Dr. Cameron) said, the House was asked in that case to take a "leap in the dark." In saying that, his hon. Friend was using an old stock phrase of five years ago, but he entirely forgot the result of the leap in the dark to which the phrase originally referred. If the result of the present leap in the dark were what was intended, it would be a very bad time for the Liberation Society in Scotland. The hon. Member for Huddersfield (Mr. Leatham) told them the other day that it was no use trying an experiment of that kind on a patient who was under the knife and must soon cease to breathe. He (Sir Robert Anstruther) cheered his hon. Friend to encourage him in expressing his opinion, for in Scotland they were not animated by Home Rule principles, and had no wish to prevent people belonging to other countries from saying what they thought about Scotch affairs. But when his hon. Friend had done, he thought he had much better have kept his apology for speaking, to the end; for anybody more absolutely ignorant of the state of the Scotch Church, he did not believe sat on any bench in that House. He wished now to say something about what the Church which had been so strongly attacked had recently done. Since 1843, and principally within the last 20 years, and while the disestablishment movement had been going on, the Church had through the agency of the Endowment Committee created 203 new parishes, at a cost of £750,000, 47 of which had been re-organized within the last three years. They had also created 200 new missions almost all of them in destitute localities, and while in 1842 the amount raised for home missions was only £28,900, in the last year that effete Body raised £116,000 for that purpose. In fact, the more that House examined the work of the Established Church, the more clearly it would see that it had been honestly doing its

duty. He wished to avoid saying anything that might raise ill feelings among his Dissenting brethren. He sat for a great Dissenting constituency, and had been treated by his constituents with the greatest, the most generous forbearance. He was perfectly aware that a great number of his constituents desired to see the national Church destroyed. He did not consider that a liberal sentiment, neither did he know that the time had arrived when there should be no Churchmen on the Liberal side of the House, but that seemed to be the conclusion to which the right hon. Gentleman the Member for Greenwich had come. He hoped it would be admitted that he had always been a loyal party man; but he would like to know whether his right hon. Friend, when comparing Ross-shire and Sutherlandshire to Munster and Connaught, meant to say that the same remedy should be applied to the former as had been applied to the latter. It was very desirable, indeed, that in a case of that kind they should know what was the impression out-of-doors, and undoubtedly that impression was what he had just mentioned. Did his right hon. Friend belong to the Liberation Society? He had no desire to separate from his right hon. Friend, very far from it; but while he was loyal to his party, he was also true to his Church, and he must say that if every Churchman belonging to the Liberal party was to be made a Dissenter against his will, the troubles of that party had only just begun. That party was far from being in such a flourishing condition at the present moment as could be desired, and if his right hon. Friend had attended the House that Session he would often have seen Members of the front Liberal bench divided against each other; and it could not be desirable to aggravate that state of things. In the debates on the Licensing Bill, right hon. Gentlemen on that Bench were seen continually knocking one another down. The experience of the party during the present Session had, indeed, been lamentable; and looking at the Opposition Benches, generally, he saw nothing but anarchy. It would be a great misfortune added to their present troubles then, if it should appear that the right hon. Member for Greenwich really desired to apply to Scotland the remedy which he had applied to Ireland. In his last Election

Address he (Sir Robert Anstruther) told his constituents that if they could not allow him to act on his own judgment in that matter he should much regret it, but that it was absolutely impossible that he could abandon his Church views. He had received letter after letter showing that a very large number of people in the Highlands were in favour of that Bill. His right hon. Friend the Member for Greenwich said, that the Church had not many adherents in the Highlands of Scotland. [Mr. GLADSTONE: I never spoke of the Highlands of Scotland.] But the right hon. Gentleman had referred to Ross-shire and Sutherlandshire; and from the first-named county there had been 21 Petitions with 2,167 signatures in favour of the Bill, and three Petitions with 61 signatures against it. From Sutherlandshire there were six Petitions with 262 signatures in favour of the Bill, and there was only one Petition against it. Now, who signed the Petitions in favour of the Bill? His right hon. Friend said there were only a handful of adherents of the Scotch Church in those parts of Scotland, and if that were the case, the petitioners must be members of the Free Church. In a speech before the General Assembly of the Free Church, Dr. Begg, alluding to the subject of patronage said, that as a patriot and a Christian man, he should congratulate his country on the removal of that long-standing grievance. He (Sir Robert Anstruther) did not think that Bill would destroy the Church, but he knew it would destroy the Liberal party, and he should be very sorry to see any action taken by the Leaders of the Liberal party that would compel Churchmen who were thorough-going out-and-out Liberals, to separate themselves from their party. He admitted that the Bill required to be amended, and he deeply regretted that the General Assembly of the Church of Scotland had refused to consent to members of other communions besides their own, having a voice in the election of the minister. That had been advocated by eminent members of that Church, of Conservative politics, and who were proud of their Church being the Church not of a sect, but of the nation. Dr. Cook proposed a motion conceived in that spirit, and he (Sir Robert Anstruther) regretted that, owing to mismanagement, it was defeated. He should like to state the reason why Dr. Cook dis-

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sented. He said patronage, as at present exercised, was a trust; that the benefice was endowed out of the land; and that it was contrary to justice that the patron should be deprived of his patronage without compensation. He (Sir Robert Anstruther), when the Bill was in Committee, should move an Amendment in Clause 3, to leave out the words, giving communicants the right to nominate the minister, and the clause would then run—

"The right of electing and appointing ministers to vacant churches and parishes in Scotland shall be vested in the members of the congregation of such vacant churches and parishes respectively, subject to such regulations in regard to the mode of naming and proposing a minister by means of a committee, and of conducting the election and of making the appointment as may from time to time be framed by the General Assembly."

He thought it of the greatest importance that they should recollect that, as far as doctrine and practice were concerned, the Free Church and Established Church of Scotland were identical, and he thought it of the greatest importance that both Bodies should have a voice in the appointment of the minister of the parish; and he respectfully urged on the Government the great desirability of making the Bill as wide as they possibly could. They had the power to do it, and he thought they were bound to do it, not only in the interest of those who had seceded from the Church, but in the interest of the Church itself, and of all who were attached to the Westminster Confession. He did not believe that there was a hostile feeling against the Established Church, and he respectfully intimated that if they wanted to re-unite the Presbyterians in Scotland, they must widen the basis of the Bill. If they laid down a wide basis, there would be a groundwork for the re-union of the Presbyterian Body. At all events, the Government would have done its duty, and the Church would have done its duty, if it offered the right hand of fellowship. If that offer was not accepted, the blame would not rest with them. As to the course which he took with regard to this Bill, he should deeply regret if that course was opposed to the sentiments of a large number of his constituents. The course he took, however, with regard to this Bill was a matter of conscientious duty, and he trusted that that portion of his constituents would respect his sentiments with reference to

this Bill. A Member could not possibly agree in the very shadow of a shade with every section of his constituents. They must all make allowance for one another; and if he were not allowed to vote according to his own conscience on this Bill, he would—and he said it in no spirit of bravado—prefer to be outside rather than inside the House of Commons. He objected to a Member being bound neck and heels by his constituents, with reference to the vote he might give on the Bill. If the hon. Gentleman went to a division, he (Sir Robert Anstruther) would support Her Majesty's Government by giving his vote in favour of the second reading of the Bill.

MR. CAMPBELL - BANNERMAN said, if that House were asked merely to assent to a general proposition to the effect that the healthiest and most natural footing upon which to invest the appointment of ministers was to leave it to the free choice of those who were to benefit by their ministrations, he believed there would be a general assent on that side of the House. It was in that sense, and in that sense only, that the Scotch people were in favour of the Bill. The hon. Baronet (Sir Robert Anstruther) said, that Scotch people were in favour of the Bill, and yet from his concluding observations, it would appear that he was by no means sure of his own statements; while as to the fervour with which he had delivered his sentiments on the matter, he (Mr. Campbell-Bannerman) could only attribute it to the heated atmosphere in which the Bill was debated. He quite agreed that the people of Scotland were against patronage. There had been exceptions. Up to a few years ago, the great exceptions were the Tory party; but the Liberal party and the Dissenters had maintained the right of the people to choose their own ministers. But, unfortunately, they had not in this instance to deal with a general proposition. Parliament was asked to alter fundamentally the constitution of the Established Church in this respect, and therefore they had to consider not only the general theory involved in the Bill, but also the circumstances of the people, the juncture at which this abolition of patronage was proposed, and the probable effects that might follow from the carrying out of such a policy. Now, as he understood it, the object of the Bill was to strengthen the Church of

Scotland, a most praiseworthy and legitimate object, and so long as the Established Church existed, it was the duty of the House to do all they could to increase her internal vigour, and to remove anything which obstructed her in her proper work. But to strengthen the Church was one thing, and to strengthen the Church at the cost of the other independent Presbyterian Bodies in Scotland was another thing; and that was the only way in which, he ventured to think, the Bill could strengthen the Church of Scotland. The House ought to bear in mind the attitude of Parliament with regard to establishment, which he took to be this—Parliament neither affirmed, nor rejected the principle of establishments, but left each establishment to depend on its own merits, and on the relation which it bore to the population within its borders. How necessary was it, then, that Parliament should, when a scheme like that was brought forward, consider its effect on those relations. There were two intelligible points on which he could understand the Bill. He could understand the Church of Scotland coming to that House and saying—"Patronage as it at present exists is a very oppressive grievance, because the corporate life of the Church is very much impaired and destroyed thereby, and we ask to be relieved from it, and to have restored to us what we claim to have been our former privilege, and to repeal the Act of Queen Anne." That was one ground, and he could imagine another equally distinct. They might come forward and say—"Patronage is now nothing more than a form." There are within our borders two great Bodies of Presbyterians who went out from us on this ground of patronage. They have formally announced to us that they are ready to come back if we abolish patronage; and therefore, we ask you to abolish it, and repeal the Act of Queen Anne. Either of those would be intelligible grounds, but neither of them had been alleged in respect of the Bill. He contended that there was less grievance than ever there was before, and that it was notorious that patrons were more and more desirous of acting in conformity with the wishes of the people? He had been astonished to find that the only case which had been mentioned in the debate had been the case of Queensferry. Now, he happened to know something about

that. The town council of Queensferry were the patrons of the parish, but in Queensferry there was a tax similar to the Annuity Tax in Edinburgh, which was felt by inhabitants as a grievance, and at the time the appointment was made there was a want of harmony between the town council and the Established Church, and that was how it was that they presented a minister the congregation disapproved of. But cases of the kind were fewer and fewer, and they did little more than prove the exception. The demand for the abolition of patronage had not arisen among the people, but was raised in the closet by the political leaders of the Church of Scotland for their own political purposes. That was the plain English of it. The movement—if that deserved the name which had no motion—had proceeded from above downwards, and not from below upwards, as any healthy movement ought to have done. It might be said that the General Assembly was in favour of the abolition of patronage. He wished to speak with respect of the General Assembly; but that was a political question, and when the General Assembly came to deal with a political question, it was notorious that it was in the hands of 10 or 12 persons who were more ecclesiastical than the clergy themselves. It was they who in reality were the authors of the Bill. For some years, the Free Church and the United Presbyterian Church had been endeavouring to form some sort of a basis for union, and those negotiations had now apparently resulted in a common platform being arranged. Curiously enough, however, the cry for the abolition of patronage in the Established Church was precisely coincident with that agreement on the part of the religious communities he had just referred to. It was, in fact, intended to checkmate the movement of the two great seceding Bodies. Parliament was therefore asked to intervene and take part in the manoeuvres and counter-manouvres of these sects; but if it were sound policy to reunite the two Bodies, could that be done on the basis of union with the Established Church? He thought not. The United Presbyterian Church was a purely voluntary association; and with regard to the Free Church, there was some doubt as to what was the real cause of the Disruption of 1843. In his opinion,

the Free Church went out on the higher ground of spiritual independence, and that patronage was only the overt occasion of the Disruption. He thought that fact was proved from a letter written by Sir James Graham, which said that if the statute of Queen Anne were repealed, the Free Churchmen would still regard the decrees and judgments of the Courts as encroachments on the spiritual power of the Church. His opinion was, that the Bill would neither heal division within nor without the Church. It was, in fact, a mere political device, invented to give the Church leaders back the influence they had lost, for it was hoped by the promoters of the Bill that in the event of its passing, many of the weaker-minded and less instructed members of the two seceding Bodies would return to the Established Church; but he would ask whether that was a worthy object, and one which was consistent with the dignity of Parliament? Passing on to the details of the measure, he would remark that the proposal respecting communicants had been given up because it would have outraged the conscience of the country to make the act of communion a qualification for taking part in the election of ministers. Then it was proposed to give the power of election to the ratepayers, in order to establish the constituent body on as broad a basis as possible. Now, he was in favour of representation and taxation going together; but he was opposed to that proposal, because it would give a man a vote for one thing and tax him for another, and would lead to inextricable confusion. Besides that, he could not conceive anything more difficult to manage than a body of all creed-classes, and kinds coming together to elect a minister for one persuasion. The only result of all these propositions would, in his opinion, be to put the new wine of democracy into the old bottle of a State Church. That was purely a polemical measure, designed to disturb the present balance of creeds in Scotland, and to do so in the least ingenious fashion, and whether the Bill passed or not, the mischief was done. It was done by the Government and the Church of Scotland having moved in the matter, and the result would only be to exacerbate sectarian feeling and deepen religious animosity among the Scottish people.

Mr. Campbell-Bannerman

MR. BALFOUR said, he was surprised at the opposition with which the Bill had been met. He thought it had been regarded from a wrong point of view and on wrong issues. A good deal had been said of the unhealthy condition of the Established Church in certain districts, especially in the Highlands. Had the question before the House been one of disestablishment these arguments would have been pertinent. They were not pertinent when the question was merely one of internal reform. It had been said that it was extremely absurd to hand over the election of a minister to the adherents of the Established Church, when there were but two or three of them in the parish. He thought too much had been made of this argument. When there was so little work to be done it was of small importance who had the selection of the person who was to do it. The right hon. Gentleman the Member for Greenwich had advanced an argument on another point with which he (Mr. Balfour) could not agree. The argument was this. The Free Church, at the time of the Disruption, endured great hardship, in order that a grave abuse might be eradicated from the Church. It was unjust therefore now to abolish the abuse without giving compensation to those who had struggled and suffered in order to obtain that abolition 30 years before. But he (Mr. Balfour) thought it extremely absurd to suppose that one religious sect could thus have a vested interest in the abuses of another. If the Established Church owed compensation to the Free Church because it now adopted a principle for which the Free Church had formerly struggled; England would on the same grounds owe compensation to America, because England had now assented to the principle of self-taxation in the colonies, for which America had struggled and suffered in the war of Independence. It was said that the Bill would have the effect of separating the Church from the land, from the State, and from the people. He agreed with the right hon. Gentleman the Member for the University for Edinburgh, that it would have the effect of separating the Church from the land, and to prevent that, he thought some place should be made for the heritors in the electoral body. But he could not see how the Bill would separate the Church either from the State or

from the people, inasmuch as the control of the State over the Church would not be altered in the slightest degree; neither would the position of the Church relating to the other persuasions, nor her formularies, be altered. As for the allegation that the Church would have less of a connection with the people, if more of the people had a voice in the election of her ministers, that seemed to him to be perfectly absurd. In fact, she would become less sectarian and more popular, as was admitted by the opponents of the Bill when they stated it would have the effect of attracting people to the Church from other communions. It was not denied that the parishioners who now took part in the election of ministers were those who took a lively interest in the affairs of the Church, and if that were true, was it likely that they would become indifferent, if more of them took part in these elections? He considered that quite the contrary would be the result. On those grounds he had considered the Bill one forced upon Parliament by the historical course of events in Scotland, and he should do his best to support and press it forward. But he did not consider the measure perfect as it stood, and he was glad therefore to see on the Paper some Amendments dealing with details.

MR. FORDYCE said, as a county Member, and a Liberal, he wished to explain to the House the vote which he intended to give on the Bill. Ever since he had had the honour of a seat in the House of Commons, he never experienced a greater difficulty and embarrassment, or a deeper sense of responsibility respecting the decision he had to come to. It had been remarked by the hon. Member for Bute (Mr. Dalrymple), that if the Bill had been introduced 30 years ago, it might have been of some use in strengthening and making permanent the Established Church of Scotland. That might be, but he (Mr. Fordyce) doubted very much that it would have had the slightest tendency now to remove what caused the separation from the Church 30 years ago. He could not shut his ears to the fact that those who ought to know a great deal respecting the Church of Scotland, and the promoters of the Bill, took a very different view of the result likely to accrue from its passage into law. They thought that the passage of this Bill would be the

commencement of a period of consolidation between all the sects. They thought that if the Bill were passed, backed by a Mutual Eligibility Act, allowing Free Church ministers to vote for the Established Church minister, and *vice versa*, that a general reconciliation would be the result; that by this means such a Church as that which Dr. Chalmers had in contemplation would be brought into existence. He should rejoice to see such a Church, and he believed every patriotic Scotchman would rejoice to see such a Church. He believed that such a Church would be in every sense a Free Church, and that all those ecclesiastical differences which were such a disgrace to the Church and such a great waste of power, would be done away with. Under those circumstances, the question he had to ask himself was this—Was it his duty to prevent the Church of Scotland from reforming itself? If the promoters of the Bill felt that the vessel in which they were was sinking under their feet, was it right to interfere with the passing of a measure which they thought would carry them safely into port? Suppose that the House saw no reason why they should disapprove of the Bill, and that the people of Scotland really desired that it should pass, he could not see his way to opposing it. They knew what view all the religious denominations had taken of the subject of patronage. If they wished to ascertain the views of any other class of persons in Scotland, they could do so by issuing a Commission; but that need not interfere with the second reading of the Bill. He had listened with much attention to the speech made by the right hon. Gentleman the Member for Montrose (Mr. Baxter), as he was anxious to hear as much as possible respecting the various points at issue. The right hon. Gentleman's chief point was to the merits of the Bill, as to which he said, they were such that some delay should take place before it was passed, and he ought to have finished his speech by moving that the Bill be read a second time three months hence. Surely they had heard enough of the subject during the last three or four years to enable all interested in the subject to come to a proper decision respecting it. He could not therefore see the necessity or wisdom of the delay recommended. As for wanting to

see what the Established Church of Scotland would do to re-organize itself, that applied more to the question of the merits of the Bill than to the necessity of delay. It was said that the Bill proposed to confer on the Established Church of Scotland powers such as were never conferred on any State Church in the history of Europe; but all that the measure did was to endeavour to make it clear that the Established Church was to be recognized as possessing the same liberty in regard to the appointment of its clergy as was possessed by the unestablished Churches. It was, as far as it went, a recognition of the spiritual independence of the Church. That was just what would reconcile the people of Scotland to the Bill. He committed himself to nothing more than the principle of the Bill in voting for its second reading; and that principle was, that the people had the right to appoint their own ministers. There were many parts of the Bill to which he objected, and in which he considered Amendments necessary, but that was no reason why he should refuse to assent to the second reading. As to the small parishes in the Highlands and other parts of the country, to which so much reference had been made, and where the Established Church was receiving all the emoluments and other Churches were doing all the work, he had a very decided opinion. The parallel was very close between those places and Connaught and Munster, and he should like to see the Church money of all such parishes handed over to the school boards. With regard to the persons entitled to vote, he objected to forcing on the Established Church a constituency she did not want; and he was afraid that if all the ratepayers were allowed indiscriminately to vote for the ministers of the Church, a feeling would arise that the Church was in bondage to the State. If such a feeling as that arose in Scotland the House might depend on it that the days of the Established Church there would be numbered. As a patron—a small patron—he was grateful to the Government for their desire to remove a very weighty responsibility, and so far as he was concerned he should be glad to hand the value of his patronage over to the school boards. A great deal had been said about the want of interest displayed by the Dissenting Bodies of Scotland

Mr. Fordyce

with regard to the Bill. No wonder. No one could put himself in the position of the Free Churchman without feeling that the Bill must present itself to him as a very hard case. The Dissenters resented patronage when it was forced upon them at the point of the bayonet, and since then they had spread over Scotland with churches and mansees at their cost, and they were now asked to be thankful for a measure giving the party who drove them out the concession which had been denied to them; they were asked to be thankful because they were to see by a gradual process those churches and mansees become of no use to them. There was no doubt the Church of Scotland would be glad to see all those different Dissenting Bodies connected with it, and all engaged in the one work, and in the hope that the Bill would be a means toward such a desired end, he should vote for its second reading. He at the same time regretted that the question had been raised, as the Church of Scotland and those Bodies were, of late, working very well together, and all signs of religious warfare had passed away. Now, however, those signs had revived, and two hostile ranks had already been created by the introduction of the measure; and he very much feared that if it passed in its present shape the result would be not peace, but a sword, and that it would tend to drive many persons into the current of disestablishment. He was not afraid of disestablishment and disendowment, but he deprecated the introduction of those questions into the discussion of the Bill, believing that the country was not ripe for the consideration of such questions, and that one of their first effects would be the splitting up of the Liberal party.

MR. M'LAREN: Sir, it has been contended that the principle of the Bill would be simply a repeal of the Act of Queen Anne. I altogether deny that such is the principle of the measure in any shape or form. Suppose you pass a Bill of one clause through Parliament, to the effect that the Act of Queen Anne shall be repealed, what will be the result? Why, not that you will get universal suffrage of all the men and women in Scotland who are professed communicants; but the Act of 1690, which the Act of Queen Anne repealed, will be revived, by which the heritors and elders will appoint a man and present him to

the congregation, and the congregation will say "Yea" or "Nay," and then the Church Court will finally decide whether the congregation, in accepting or rejecting him, have acted wisely or not. It seems to me, therefore, to be an abuse of words to say that the simple repeal of the Act of Queen Anne is the principle of the Bill. I hold that it has nothing whatever to do with that Act. Then one of my hon. Friends (Sir Robert Anstruther) has been very severe on the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) for comparing the state of the Highland parishes to those of Connaught and Munster. I entirely agree with what has been said by the hon. Gentleman the Member for East Aberdeen (Mr. Fordyce), that the comparison was most just. A Royal Commission was appointed to inquire into the condition of the parishes of Ireland about 40 years since, and a Blue Book, giving an account of the numbers of each sect, was published. An Act was then passed abolishing all the nominal charges in Ireland analogous to the charges in the Highlands which were objected to. It also abolished certain Bishops and Church dignitaries, and united two or three parishes into one. Where there were few or no adherents of the Established Church, as in the Highland parishes, Parliament 40 years ago had granted a large sum of money to pay stipends of ministers in Highland parishes, in the hope of the arrangement being beneficial to the community, and it is now found that no good whatever has accrued from the expenditure. I maintain that it is quite wrong that those stipends should be continued. Nothing can more tend to alienate from the Church whatever friends it has in other religious communities, and its sympathizers in the Free Church will be forced to withdraw their sympathy from it. It has been said that election by the people was the general rule of the Church, and that patronage has been the exception. That was plainly implied in the speech of the Lord Advocate, and it was plainly expressed in the speech of the hon. Member for Inverness (Mr. Fraser-Mackintosh), that the Church of Scotland had for a long time after the Reformation no such yoke resting upon it as that of patronage; and that it went through a period of 150 years before the law of patronage was

imposed upon it. That opinion is quite inconsistent with historical facts. I shall show that the rule has been directly opposed to what the House has been led to believe. The Book of Discipline, which the Lord Advocate began his speech by quoting, could not be a legal authority on patronage, even if it were in favour of his argument—which I shall show it was not—because that book, as the right hon. and learned Lord admitted, had never been sanctioned by Parliament; but it does not support his argument, because while it laid down a theoretical rule for the election of ministers by the people, for the Church in its then unendowed state, it specially reserved the rights of lay patrons as included in the passages quoted by the Lord Advocate, thus—“The presentation of laick patronage always reserved to the first and antient patrons.” The learned Lord admits that there was no Act of Parliament on the subject of patronage from the Reformation in 1560 till 1592, and therefore it cannot be alleged that patronage did not exist during this period of 32 years. Well, did the Act of 1592 abolish the patronage which had previously existed? By no means. On the contrary, it enacted that the Church Courts should “be bound and astricted to receive whatever minister be presented by His Majesty or other lay patrons.” That was really an Act confirming the patronage which had existed ever since the Reformation, and that Act was judicially held to be still obligatory on the Church Courts, during the proceedings which led to the Disruption in 1843. Then we are told that although patronage thus existed from the Reformation up to 1649—a period of 89 years—it was then finally abolished. We were told, too, that by this Act the patrons got the teinds, and kept them after 1661, besides getting back their patronage when the Act of 1649 was repealed. The Lord Advocate passed lightly over this period from 1649 till 1661, and no wonder, for it must have been very distasteful to a Conservative Government to found their Bill on proceedings which then took place; but it is the only period in the history of the Church to which they could appeal for something akin to their Bill. The Act of 1649 was passed after a Scotch army had been in the field for several years, successfully fight-

ing against their lawful Sovereign, and marching over the Border to assist their friends of the Commonwealth in England. That Act was passed two months after Charles I. had been beheaded, when there was no Sovereign; and by a Convention of the Estates which was afterwards declared, by the first regularly constituted Parliament, to have been an usurpation. Yet that Act, so passed, is the only example which can be produced at all resembling the present Bill, and it was not nearly so democratic as this Bill, because it did not give the power of election to the people, but only a veto subject to the judgment of the Church Courts. The effect of this Act, which has been so much lauded, is correctly stated in a pamphlet by the Rev. Dr. Begg, as follows—

“In 1649, an Act of Parliament was passed declaring ‘that patronages and presentations to kirks is an evil and bondage under which the Lord’s people and ministers of this land have long groaned; that it hath no warrant in God’s Word, but is founded only on the canon law, and is a custom Popish, and brought into the kirk in time of ignorance and superstition,’ and therefore abolishing all patronage, and ‘anxiously recommending to the next General Assembly to condescend upon a certain standing way’ for filling up vacant parishes. The next Assembly accordingly did draw up a directory for this purpose, vesting the power of selecting the ministers with consent of congregations in the several kirk-sessions. It did not confer the right to nominate or elect the minister to the people, but only the right to reject who not satisfied with the person presented. The power to select and nominate was vested in the kirk-session—that is, in the elders, usually a very small body, and practically appointed by the minister of the parish for the time being.”

The Church had thus, from the Reformation up to 1649—a period of 89 years—been continuously under the “yoke of patronage,” as it was called. Cromwell became master of Scotland during the following year, and modification of patronage was in practice abolished under his rule, just as it was practically abolished in England during the same period. Now, if this administration of Church matters under Cromwell’s auspices is held to have been good for Scotland, it may be asked why it should not be equally good for England to restore the mode of appointing the clergy of its Church, which was instituted and administered by Cromwell during the same period? We have been told by the Lord Advocate that this model Act was repealed

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by another Act, passed in 1661, but no information was given as to the history of this repealing Act. The story is easily told. In that year the regularly-constituted Parliament passed what is known as "The General Rescissory Act," which declared that all the pretended Acts of Parliament passed during what was called the "Usurpation" were null and void from the beginning, and of no legal effect then or thereafter. The Act of 1649 was merely swept away by the Rescissory Act, along with all other Acts of the same period. It was not repealed by any special Act, as the House may have been led to suppose from what has been stated in the debate. One distressing result of this Rescissory Act was, that all the ministers who obtained livings from 1649 to 1661 were held not to have been appointed at all, and therefore were at once thrust out of their charges. They numbered nearly 400, and their expulsion caused great distress and sorrow in the Kingdom, more especially as they were succeeded by very inferior men. It must be evident, from what I have said, that the statement about the heritors keeping possession of the teinds presented to them by the pretended Act of 1649, after they got back their patronages in 1661, could not possibly be correct, because that Act was held to have been non-existent from the beginning; and it is not even printed in the collection of Acts of the Parliament of Scotland. The extinction of this Act, of course, brought into operation the old law of 1592, by which the Church Courts were bound to induct any minister presented by the Crown or any lay patron; and thus, after an interregnum of 12 years, patronage came into full vigour, and it so continued till after the Revolution, when it was modified by the Act of 1690. The Lord Advocate informed us that the Act of 1690 did not confirm the stringent clause in the Act of 1592, compelling the Church Courts to induct all presentees. That is quite correct; but it did not require to be confirmed, for that Act still existed, never having been legally repealed; and as the results showed, it was judicially determined to be in full force during the legal proceedings which led to the Disruption in 1843. We have been told that by this Act of 1690 patronage was abolished; but the words of the Act

contradict this assertion. The Act, unlike the present Bill, gives the people no initiative power of choosing a minister. On the contrary, it gives the choice to the heritors and elders, who are to present a suitable person to the congregation, who may approve or disapprove of him. If they disapprove, they are to state their reasons to the Church Courts, who are authorized finally to admit or reject the presentee on their own judgment, after considering the reasons adduced by the congregation. To call that the abolition of patronage, in the sense of the present Bill, seems to me an abuse of terms. If that was the abolition of patronage, then Lord Aberdeen's Act, which is now the law, has already abolished patronage, for it is identical in spirit and effect with the Act of 1690. This Act endured for 21 years, and was repealed by the Act of Queen Anne, which restored direct patronage into the hands of the old patrons, and thus again brought into effect the stringent provision of the Act of 1592, compelling the Church Courts to admit all qualified presentees. It is plain, from what I have stated, that there was never a greater delusion than to imagine that the law of patronage has been abolished, and popular election established in the Church of Scotland, until the passing of the Act of Queen Anne. From the Reformation till the passing of Lord Aberdeen's Act in 1843—a period of nearly 300 years—patronage was never abolished, and popular election by the people substituted, except during 12 years of Cromwell's Government, and then only by practice, not by law; and it was not even modified in any important degree, except during the 21 years after the Revolution. I think I have thus conclusively shown that the theory on which the Bill has been framed and is supported is without any foundation in fact. The General Assembly made urgent and repeated protests against the Act of Queen Anne, and frequently petitioned for its repeal; but without effect. The opposition was continued by petitions and resolutions, —but never asking popular election by the people—till 1783, when the Church may be said to have acquiesced in the law of patronage by having ceased to petition; and that tacit approval, by the majority of the Assembly, continued for upwards of 40 years. In

1836, after the excitement caused by the passing of the Reform Act, the first break in this tacit approval took place. The Conservative party then opposed, and the Liberal party supported, the proposals that were made for the repeal of patronage, by a Motion made in the General Assembly to petition Parliament for the repeal of the Act of Queen Anne, but it was negatived by a large majority. In 1842 a similar Motion was proposed by the Liberal party and opposed by the Conservatives, and carried, but without effect; and in the following year the Disruption took place. After this, the question of patronage lay dormant in the General Assembly for 26 years, till 1868. In that year it was taken up as a subject for consideration, and referred to a committee. In 1869 the Assembly resolved that the Act of Queen Anne ought to be repealed, and the patronage vested, not in the people, as by the present Bill, but in the "heritors, elders, and male communicants." In 1870-71-72 similar resolutions were passed; and yet, during the present year, resolutions were passed by a large majority approving of the Government Bill. It thus appears that, during more than three centuries which have elapsed since the Reformation, patronage has always existed as the law of the land, with the exception of 12 years of what was called the "Usurpation," when it was abolished in practice but not by law; and of 21 years after 1690 in which it was modified but not abolished. It also appears that during the 85 years ending in 1868, the General Assembly never expressed any desire for the abolition or modification of patronage, except by passing a resolution in 1842 which led to no result, and which was followed by Disruption in the following year. I must now say a word on the opinions of the people of Scotland respecting the Bill. First, the General Assembly of the Church of Scotland approved of it by a large majority—not unanimously, as has been alleged; for many hostile opinions respecting its principles and details were given in the notices of amendments, as printed in the Votes of the Assembly. Thus, Sir Robert Anstruther proposed to give the parochial franchise to inhabitants of the parish in communion with any of the Protestant Churches in Scotland. Dr. Wallace proposed that

it be given to the whole ratepaying parishioners professing themselves Protestant Christians. Mr. Haggart proposed that it be given, not to the communicants, but to the congregation; and Mr. Traill to a committee of the heritors, kirk-session, communicants, and ratepayers, being Protestants. Mr. Robertson proposed that the new franchise should recognize any Church under the government of kirk-sessions, Synods, and General Assemblies, acknowledging the Westminster Standards; and Dr. Wallace proposed that the choice of ministers should be extended to licentiatees or ministers of Dissenting Churches. Even after the Bill had been approved of, very powerful reasons of dissent were entered on the Assembly's minutes by many of the leading men of the Church, including the Rev. Dr. Cook, Lord Selkirk, Sir William Gibson Craig, and others. One of these reasons commends itself so strongly to my mind, that I venture to quote it—

"Because the appointment of the minister of the parish by the communicants of the Established Church only, while it recognizes their paramount interest in such appointment, ignores the fact that there may be many others in the parish, who, though not of the Church, may have a deep interest in the spiritual welfare of all its inhabitants, and a sincere respect and attachment to the Church; and because in the appointment of one who in the eye of the Church is the minister not of a particular religious denomination, but the pastor of the parish, and who as such is supported not by his flock, but by funds drawn from the whole lands of the parish, &c."

These reasons of Dissent go on to disprove the assertions so often made, that patronage was the cause of the two great secessions, thus—

"Because the allegation so generally made that the existence of patronage has been the cause of all the secessions from the Church of Scotland, and that its withdrawal would at once open the way for the reunion of the dissenting Presbyterian Bodies with the Church, is not founded on historical fact; and that the secession of the Free Church originated not in their objection to patronage, which the leading men of their party in the Church powerfully defended, but in their assertion in 1839 of what they called spiritual independence—in other words, the right of the Church to interpret for herself the acts by which she is established, and to act on that interpretation."

The Free Church, numbering about 900 congregations, had also the Bill under their consideration, and they condemned it by a majority of 433 to 66.

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Their resolutions included the following :—

"The Assembly declare that no act intended to alter the law of patronage can have the effect of removing the grounds of separation recorded in the protest read before Her Majesty's Commissioners on the 19th May, 1843. That the General Assembly protest against legislation professedly in the interest of Scotland generally, which proceeds on the application of the General Assembly of one body of Christians, without inquiry into the condition, convictions, or wishes of the people generally; and they cannot but consider the entire disregard with which this Church and the other disestablished Presbyterian Churches are treated as peculiarly unbecoming, viewed in the light of the circumstances in which successively they have felt themselves constrained to separate from State connection."

The Synod of the United Presbyterian Church, which has about 500 congregations in Scotland, and upwards of 100 in England, have also expressed their opinions, from which, with the leave of the House, I shall read the following extracts :—

"The Synod being opposed in principle to civil establishments of religion, condemns all legislation designed, as the Bill is, to extend and perpetuate the system, or to popularize its operation. The Bill is directly antagonistic to the position which the Synod firmly holds—that the legislation immediately demanded, and which alone can meet the circumstances of the case, is disestablishment and disendowment. They need no Bill like the present to rid them of the grievance of patronage. If that is all they seek, a disestablishment measure will equally and better set them free to choose their own ministers, at the same time that it will relieve other Churches and citizens of the injustice and grievance of which they complain in the system of establishment and endowment. The Synod objects to the Bill, because it is designed to open a door to attempts to relax or throw off the legitimate control of the State over its beneficiaries, to set up a system of rights without duties, of patronage without responsibility, and to combine ecclesiastical independence with State endowment—a result which would be favourable neither to religion nor liberty."

One of its Presbyteries (Arbroath) has stated the political objections to the Bill clearly and emphatically in these terms—

"That the said Bill, politically considered, is an insult and a wrong to their Churches, and to the majority of the people of Scotland, inasmuch as the proposal still further to favour and foster by national legislation a sect already invidiously and unjustly privileged, and that sect not a majority in the country, is a glaring outrage on political equity, is fitted still further to aggravate ecclesiastical differences in Scotland, and to deepen and embitter the sense of existing wrongs."

These extracts fairly show the opinions of the Presbyterian Churches. Both of these Churches profess the same faith with the Established Church, and will not accept a measure, one effect of which will be to keep them outside the pale of the Church, and separate the people of the country, still more than at present, into sects. They protest against it because it is, in fact, not a liberal, or a liberalizing measure, but a measure intended to give to a section of the Presbyterian Body a monopoly of State endowments and control, while they and all the other Dissenters, and the Episcopalians, pay as citizens for the support of the Established Church and its ecclesiastical buildings, in the same way as do the members of the Established Church. In old times, from the intolerant views which then prevailed, all the parishioners, with the exception of Roman Catholics and Episcopalians, were held to be members of the congregation, and, as it were, made compulsory communicants. That is admitted in the Duke of Argyll's pamphlet. For my part, I see no valid reason for refusing to place the power of electing the ministers in the hands of those persons who elect the school boards. As to the statistics which have been laid on the Table, purporting to contain the number of communicants in the various places of worship of the Established Church, I think them utterly unworthy of credit. I have letters from Orkney, Aberdeen, Huntly, Forfar, Edinburgh, Haddington, and other places, showing that they are unworthy of credit. The people of Edinburgh were astonished at the audacity of some of the statements, and it was resolved to count the actual attendance at four churches the Sunday after the statistics were published; and here is the result, as sent to me, taken by four gentlemen whose veracity can be relied on :—Lady Yester's (Edinburgh) communicants per return, 1,707; number attending public worship 5th July, excluding children, 611. St. Stephen's—communicants, 2,040; attendance, 687. North Leith—communicants, 2,056; attendance, 642. South Leith—communicants, 2,506; attendance, 506—in all cases excluding children below the age of becoming communicants. Totals—communicants, 8,309; attendance, 2,446. Total communicants on the rolls, who were then absent from public wor-

ship, 5,863. Of course, it will occur to everyone that it is probable that half of that number ought to be added for attendants at the afternoon service who had not been present in the forenoon; and an additional number for persons from home, or absent owing to sickness or some accidental cause; but, in any case, it will be seen that the attendants will not nearly come up to the number set down as communicants. I do not say that the percentage of communicants is in all cases exceeded by that of the attenders, but I believe that, as a general rule, in other denominations, the communicants are less numerous than the attenders. Again, the astounding statement has been published in a circular sent to hon. Members of this House, to injure the United Presbyterians, that they have only increased at the rate of 1 per cent, while the population of Scotland has increased at the rate of 10 per cent per annum. The truth is, however, that the population of Scotland has increased by less than 1 per cent per annum. I have recently looked at *The Edinburgh Directory*—a publication which is of no politics and of no creed—and I find that while the Established Church has 36 churches in Edinburgh and Leith—which towns between them contain about one-thirteenth part of the population of Scotland—the Free Church has 43, the United Presbyterians 26, the Episcopalians 17, the Roman Catholics 4, the Baptists 7, the Congregationalists 5, and the smaller denominations 23. Altogether, there are 125 churches of the various religious communities outside the Established Church, against 36 inside; and yet the smaller number swallow up all the loaves and fishes. In connection with the subject, a minister of the Established Church has sent to me a pamphlet, in which it is stated that there are 50,000 people in Edinburgh who do not attend any place of worship. That, I think, is an exaggeration; but, no doubt, the number is very large; and it should be remembered that all those who do not belong to any other religious body are counted as belonging to the Established Church, in many of the publications issued by members of that body. The Church is admitted by all parties to be in a minority. The questions chiefly discussed are, whether the minority be one-third or two-fifths of the entire population of Scotland. With re-

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gard to the sale of patronages, the right hon. Gentleman the Prime Minister has founded some of his arguments upon the fact that the value of livings is nothing; but I may state that, in one instance which has come to my knowledge, half the patronage of the parish, where the living is worth about £250 per annum, recently sold for £560. The Lord Advocate has stated that there were 48,000 signatures attached to the Petitions he has presented in favour of the measure; but it will be found that in the Votes of this House a star is placed against 387 of the Petitions so presented by the right hon. and learned Gentleman, as an indication that they are substantially the same as those which have been presented from the General Assembly of the Church of Scotland—in fact, I am informed that there is a regular manufactory for Petitions in Edinburgh, where forms are written out and sent to the different parishes for signature. I regret having detained the House so long; but I think it is my duty, as a Nonconformist, to express what I honestly believe to be the opinion of the Nonconformists of Scotland against this Bill, and to expose the fallacious statements on which it is founded.

MR. VANS AGNEW thanked Her Majesty's Government for having introduced the Bill. He supported it as the Representative of a constituency, many members of which were deeply interested in the welfare of the Church of Scotland; and as a member of that Church, and as a patron of Church livings, he also gave his support to it. He approved the main object of the Bill—namely, to repeal the statute of Queen Anne, which had excited so many disputes in Scotland, and the objections to which statute had been urged so long and so earnestly by the Church of Scotland. The patronage of parishes in Scotland was a very different thing from the system of advowson of parishes in England. Since the passing of Lord Aberdeen's Act, the parishioners in Scotland had a right to object to any presentee, and the actual value of a patron's right of presentation in Scotland since that date had become very small indeed, and he was not disposed to quarrel therefore with the amount of compensation awarded in the Bill. The most that could be said in favour of patronage as it had existed in Scotland for the last 50

years, was that it had worked well, and as to its exercise, the Crown had set a very good example, which had been followed by the other holders of patronage. Public opinion had of late years exercised an influence on the exercise of patronage in Scotland, and he believed it was the earnest desire of all those who exercised patronage in Scotland, in common with himself, to make what were called harmonious settlements—that was to say, appointments corresponding with the wishes and feelings of the people in various parishes. As a patron—and, he believed, he might speak for patrons in general—he had felt it to be a most solemn and serious thing—a thing of which he would have been thankful to have been relieved—to appoint men to Church livings; and though he had regarded it as so solemn and serious a duty, yet, as a patron, he thought he had no right to put off his responsibility on to the shoulders of another. He thought it devolved on him to discharge his duty in the best manner he could to make harmonious settlements, and in any case in which it had been his duty to exercise patronage, he had succeeded. Another reason was, that the choice of patrons was limited to those who were licentiates of the Church, and had thereby been declared fit for the position of a parish minister. Another reason was, that a presentation was of very little value to a lay patron. But though the system of patronage had worked well, there was nothing in the law to prevent its being abused, and he believed that any measure for the abolition of lay patronage in Scotland would be eminently popular in that country. The right hon. Gentleman the Member for Greenwich had told them that they had a good system; that patronage worked well, and had said, they should let well alone. But did the people of Scotland think that it was well, or would that satisfy his allies who had joined him in opposing the Bill? He was certain the feeling of Scotland was the very reverse. The Established Church of Scotland had unanimously petitioned in favour of the Bill. It was true that there was a protest signed by about 16 members of the last General Assembly, and he admitted that they were very influential members, whose opinions were entitled to the utmost respect. They did not, however, challenge a vote of the

General Assembly, and the Petition from that body to the House must be regarded as an unanimous Petition. Who was it that opposed the measure out-of-doors? They were the Presbyterian Dissenters, or rather seceders, from the Church of Scotland, most of whom had adopted the voluntary principle. The largest body of Dissenters in Scotland was the Free Church. Now, it was not true to say that the Free Church had seceded on account of patronage. The civil Courts in Scotland, and the House of Lords on appeal, had decided a point of law against the contention of the then majority in the General Assembly. It then sent in a document to the Government, called a "Claim of Right," not only to be independent in all matters spiritual—which no one disputed—but to have the right of deciding what was civil and what was spiritual matter. Sir James Graham, then Home Secretary, answered that—

"Such pretensions could not be conceded without the surrender of civil liberty, and without the sacrifice of personal rights,"

—and said towards the end of his answer—

"It was neither more nor less than a claim for Churchmen of exemption from the duty of obedience to the statute law."

One authority must decide what were civil and what were spiritual matters, and that authority must be a civil Court. Having defined the limit of jurisdiction, each was independent and supreme in its own province. It was, therefore, the claim of spiritual independence which caused the Disruption of 1843, and that was decided by law. Before that time, the party which became the Free Church were keen opponents of the voluntary principle, and upholders of establishments. He had the privilege of the personal friendship of Dr. Chalmers, who used frequently to say—"We left the Church on the Establishment principle, and we will never give up that principle." The next largest body of Dissenters in Scotland were the United Presbyterians, and their opposition to the Bill, which was perfectly consistent, was that their principle for more than 100 years had been an opposition to any payment by the State for Church purposes. They were purely voluntaries, and the principle of Voluntarism lay at the root of their opposition to the Bill. All those who had opposed the measure in that

House, had kept out of sight the voluntary principle, and it was that principle of disestablishment which prevented the union of the three largest religious Bodies of Scotland. In the preceding Session, Parliament had decided against Church disestablishment, and he did not believe the present House would receive such a proposition more favourably, and therefore it was important to realize the fact that Church disestablishment lay at the root of the opposition to the Bill. As proposed by the Government, the measure would strengthen the Established Church of Scotland, and support the connection between Church and State. He wished to refer to a statement which had been made in the debate. The right hon. Member who moved the Amendment said that the parishioners were taxed for ministers' stipends, and the right hon. Member for Greenwich spoke of stipends paid out of the general taxation of the country. The stipends of the parish ministers in Scotland were paid, as the House was well aware, by teinds or tithes, which were the first burden upon the land. They neither belonged to the parishioners nor to the landlords. The lands were bought and sold, and had been for centuries, under the burden of the tithes, which were the property of the Church, and it could not, therefore, be said with accuracy that the parishioners were taxed for the purpose of supporting the minister. There were, as the House had already been told, 42 livings in Scotland of the value of £120, and a small sum was paid out of the general taxation to raise other livings to £150 a-year. The sum paid out of the general taxation was, however, small. Another argument had been brought forward—namely, that the introduction of the Bill was a proof that something wrong had been done either by the State or by the Church; that it was the cry of "*Peccavi*," and that restitution was to be made. The right hon. Gentleman did not say whether restitution was to be made by the Church or by the State, or how it was to be made. To judge of the value of that argument, it was only necessary to examine the circumstances of the different principal secessions which had taken place. The first secession took place in 1733, and it arose in consequence of the suspension of a minister (Ebenezer Erskine) of the

Church. Why was that minister suspended? On account of two sermons which he preached, in which he complained, among other things, of the conduct of the General Assembly of the Church of Scotland, to which he belonged. He complained that they did not sufficiently persecute the Roman Catholics; but, under all the circumstances, he was treated with the greatest leniency. Committee after committee was appointed; he was left in the enjoyment of his living for three years, and was then formally deposed; but how many adhered to him when he seceded? Why, not a dozen. He had never heard it said that more than a dozen seceded at that time, although, of course, as time went on, the numbers increased. That secession was what might be termed a Cave of Adullam, and every one who became discontented with the Church in course of time joined it. Years later there were other dissents; and those bodies joining together, formed the United Presbyterian Church. Those who held the doctrines which they did at the time, could not be expected to return to the Established Church; but to how many was restitution due, and to whom was it to be given? The ministers who were appointed to their congregations never had lot or part in the Established Church. As to the Free Church, he (Mr. Vans Agnew) believed that if such a concession as the House was ready to make now had been made previous to the Secession, that event would not have taken place, and he regretted that such a concession had not been made. But it was impossible, after the fatal "claim of right" had brought matters to a crisis. Those who left the Church were led by earnest, devout, able, and sincere men, and he agreed with all the right hon. Gentleman the Member for Greenwich had said of the great sacrifices they had made. They went out, not knowing whither they went, or what they should live upon. But in spite of all that, and notwithstanding the great services they had performed for Scotland, he thought they were mistaken in their views. The Free Church still maintained the doctrine laid down in the "claim of right." Did the right hon. Gentleman who talked of restitution propose that the Government should admit it? He did not propose to do so when he conducted public

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affairs; and if it was not admitted, how could they be invited to return to the Establishment, holding those views? and how could restitution be offered to them? Let them keep in view that the Established Church protested from the date of the Act of Queen Anne, in 1712, till 1784 against patronage, and that the people had never been satisfied with it. Let them remove it, and the chief impediment to the re-union of all who held to the principle of Church establishments was swept away. That it would bring in those who were opposed to all establishments, no one expected or believed. Now, as to the minority argument. It certainly was the business of the Established Church to do all it could to bring in those who did not attend it, and who were not claimed by other Churches. By some statistics, they had heard, these were said to be 500,000 in Scotland. Add those to the admitted adherents of the Church, and she had a majority of the population to attend to. This being one of its functions, and one which it was paid to discharge, it seemed to him that the minority argument had no force. They said—"Pass this Bill, and her numbers will increase;" but the right hon. Member for Greenwich said it was neither generous nor fair to strengthen one Church at the expense of others. Was that a doctrine of general application? Would it hold good as between Christians, and Pagans, and Mahomedans? If so, what were all their missions doing? Was it applied as between Roman Catholic and Protestant?—and, to come nearer home, did it hold good between the Church of England and Dissenters? If the right hon. Gentleman had built and endowed a church, and had made its services and ceremonial as attractive as he could, and had formed or increased the congregation, would he think it was neither fair nor generous, because none of them had come from Dissenting meeting-houses in the neighbourhood? Was it not rather held to be meritorious that every man should try to persuade others to believe that which he himself held to be true? There were some details of the Bill which he would like to see amended. In one part, for example, it was provided that the General Assembly, through a Committee, should give certain instructions, and in his opinion, it was necessary to state precisely how that Committee should be

composed. Again, anything more invidious than the principle of compensation contained in the Bill it was impossible to conceive, and he therefore trusted some alteration would be effected in it. By passing the Bill an incubus, which had long impaired the usefulness of the Church, would be removed, without at all endangering the ties which at present bound it to the State, the land, and the towns.

MR. R. W. DUFF: I must confess, Sir, that when this question was brought before Parliament this Session, I regarded it with a considerable degree of embarrassment. This is a Bill professedly to abolish lay patronage in the Church of Scotland, and I have avowed myself to my constituents in favour of such a course; but the further this Bill has gone the more I have been convinced that the advantage or disadvantage that the abolition of patronage will produce must depend entirely on the spirit and manner in which that object, desirable in itself, is effected. If you propose to take the patronage out of the hands of the present lay patrons and hand it over to the nation, as represented by the whole Presbyterian community of Scotland, then I think the abolition of patronage a most desirable object; but if, on the other hand, you propose to hand it over to a section of a section of a Presbyterian minority—if you make it an occasion to assimilate the system of Church government of all the Presbyterian communities, while you confine the revenue and privileges exclusively to one—then, Sir, the abolition of patronage has no attractions for me. The whole of the speech of the right hon. and learned Lord in introducing this measure was directed to prove that there was a desire to get rid of patronage within the Church, to return to a state of things that undoubtedly prevailed at one period of the 17th century; but why did not the Established Church discover the existence of this feeling in 1843, when it numbered a proportion of the people that warranted the title of a National Church? The right hon. and learned Lord, as well as several other speakers—notably the Duke of Argyll, in "another place"—has found it convenient to ignore the existence of the Presbyterian communities other than the Established Church; but I say, Sir, looking to the relation of the Dissenting Bodies to the Established Church, it is

impossible to deal with this question in a spirit of equity and justice, and at the same time utterly to ignore the existence of more than half the Presbyterians of Scotland. It may be very convenient to say—"This is a matter which the Church will deal with herself; it is a matter of Church government which does not concern those outside the Church, and we wish to be left to manage our own internal affairs"—such language, I say, may be very convenient; but a policy based on such views shows a total disregard, I will not say of the history of the Presbyterian Church, but a total disregard of what has occurred, even in the present generation; and in dealing with this question the very recent date of the Disruption must not be forgotten. Time, in this matter, is an important element, because it may be said—"If you are to place the Church on an equality, in consequence of the Established Church adopting the principles of seceders from her, such a doctrine is against all reform in the Church;" but if the reform is effected in the life-time of a generation, it appears to me somewhat unfair that the first to make that reform should also be those who, in a worldly sense, are made to bear the burden of it. Sir, the great sacrifices made by the Dissenting Bodies in Scotland to maintain the principles established by the Bill have been, in the course of the debate, generally and generously admitted. The right hon. Gentleman the Member for Greenwich (Mr. Gladstone) bore testimony to these sacrifices in eloquent terms; the Prime Minister said they were "heroic"; but by this Bill you practically admit the Free Church were right in '43. You have an opportunity of remedying some of the blunders then committed; but instead of doing so, you propose by the Bill to admit the principle then so nobly contended for, and at the same time you shrink from giving practical effect to what the admission of that principle logically involves. I say it is natural, therefore, that the Presbyterian communities, other than the Established Church, should be somewhat indignant at this treatment of the subject; and I cordially agree with my right hon. Friend the Member for Edinburgh University (Mr. Playfair) that you have now a glorious opportunity of uniting the Protestant Churches of Scotland. My hon. Friend opposite, the Member for Bute (Mr. Dalrymple),

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admitted, in a very liberal spirit, that he would like to see such a state of things as would permit a minister of the Free Church to use an Established Church pulpit. Is there anything in the Bill calculated to bring about such a result? Under the Bill you might have redressed some of the gross anomalies which, in the course of the debate, have been shown to exist in the extreme Northern counties and in the Western Highlands. If you had really allowed the Presbyterian community to elect their own ministers you might have filled some of the empty parish churches, and also been spared the trouble of inserting that extremely vague clause which deposes power, when they are a less number than 25, to the communicants and the congregation to depute their power of appointment to the Presbytery of the bounds, subject to such regulations as the General Assembly—always subject to the Church Courts, acting for a minority of the people—may see fit to impose for the guidance of an incumbent who is to enjoy national revenue. Here is a complication of appointment, coupled with such an extraordinary delegation of power, that I cannot imagine the House will consent to it. Much has been said in the course of this debate about patrons, and I am not inclined to dispute the Prime Minister's definition—that Scotch patrons are patrons who do not patronize; at the same time, hon. Gentlemen opposite have, in the course of this debate, taken a certain amount of credit to themselves for giving up patronage, and I suppose that, in the opinion of the Government, patronage must be worth something, or they would not propose to compensate the patrons. Well, Sir, I will not be outdone in liberality by hon. Gentlemen opposite; and I say at once, speaking as a patron, I will cheerfully relinquish my right of patronage if the Government will take a comprehensive view, and enlarge the electing body to the Presbyterians of the country. If I can get any such assurance from the right hon. and learned Lord, bad as I think this Bill, I will not oppose its going into Committee; but if he is to stand by his Bill as at present drawn, I shall feel it my duty to vote for the Amendment of my right hon. Friend. One word more on this subject of patrons. I agree with the hon. Baronet the Member for Perthshire (Sir William Stirling-Max-

well), that if compensation is to be given at all, it should be given in a shape which will enable a gentleman to accept it; for however liberal patrons may be of what they regard as their own, cases will undoubtedly arise where a trustee will have to act, and a trustee for a minor or a charitable property might feel bound to take all the law gave. If, therefore, you are to give any compensation, give it in a different form. As an Episcopalian, I have endeavoured to take an impartial view of this question. I am certainly not actuated by any feeling of hostility to the Established Church. That Church has been taken under the special protection of a Conservative Government, who appear to think that, by extending the principle of patronage to a section of that congregation, but confining it to such narrow limits, they will strengthen the hands of the Establishment. Time alone will show if they be right. I believe them to be egregiously wrong, and shall oppose the measure as at present framed, because I believe instead of having a conciliatory effect it will, throughout Scotland, multiply ecclesiastical anomalies and aggravate sectarian strife.

MR. MONTGOMERIE said, after the exhaustive speeches which had been delivered on the subject, and especially after the very able one of the hon. Member for Fife, it seemed presumptuous in him to offer any remarks; but he wished to thank the Government for having introduced the measure, which he felt assured would be acceptable to the whole of the Church of Scotland. It was all very well for the hon. Member for Stirling (Mr. Campbell-Bannerman), to assert that the cry for the abolition of patronage was got up by the leaders of the General Assembly, but he (Mr. Montgomerie) could state that during his canvass in 1868, and again in 1874, the first remark made to him by all persons connected with the Established Church was—"I hope you will do all you can to get rid of patronage." It was a pleasure to him that the Bill had been introduced by a Conservative Government. Hitherto the question had been treated as one whether the Church of Scotland should be disestablished or not, but that was really not the question before the House. To that question the late Parliament gave a decided

answer, and certainly the present Parliament would give a similar decision in a more emphatic manner. The real question now at issue was, should or should not patronage in the Church of Scotland be abolished? Should the Act of Queen Anne of 1712 be repealed? It could scarcely be doubted that there was but one opinion among the Free Church, the United Presbyterians, and the Members of the Established Church on that point. They were all opposed to the system of patronage as it existed in the Church of Scotland. The United Presbyterians and the Free Church said, that to choose their own religious teachers was the inalienable right of all Christians. That was the teaching also of the Established Church of Scotland, and such ever had been the teaching of the Church. With all due deference to the hon. Member for Edinburgh (Mr. M'Laren), he did not care to follow that hon. Gentleman's statistics, nor had he any desire to follow the historical arguments they had heard from the Lord Advocate. They both might be right, or both wrong; but those details had little to do with the present Bill. There was no use asking for delay, when all that could be known had been already ascertained respecting Church patronage in Scotland. The opinion of all sects was that the present system of patronage was intolerable. If they were right in that it should be done away with at once. The patrons as a body were perfectly willing to surrender their patronage. If the House passed the Bill, they would make the Established Church of Scotland as free as any Church could be that pretended to have a constitution. The Established Church had a constitution, and if she took any step not in accordance with it, the Courts of Law would interfere. Greater liberty than that the Free Church could not enjoy. The members of the Free Church seceded originally, because they asked for impossible conditions of independence, and because they wished to be above the law; but after an experience of 30 years, they had found that they could be no more above the law than could the Established Church, or any other body. That was conclusively settled in the Cardross case. The constitution, doctrine, and discipline—the whole system of the Free Church—was the same as

that of the Established Church. If this Bill passed, the only difference between them would be removed. There might be other small differences between them, but they were such as would require a trained minister to explain them. They were ecclesiastical differences with which ordinary mortals had very little to do. The Established Church of Scotland was entitled to a generous consideration by Parliament, because no other State Church had done so much for so small a remuneration. Of late years, too, the number of her members had increased in a far greater proportion than those of the other Churches. He gave all honour to the Free Church for the great exertions she had made, and for the large sums of money contributed by her members for the sustenance of the poorer congregations; but it must be remembered that without those exertions, and without those contributions, the Free Church must cease to exist. In conclusion, he trusted his testimony on behalf of the Established Church of Scotland would carry some weight with the House, and not the less because he himself was not a Member of that Church.

COLONEL MURE: There is, Sir, what I may call a remarkable phenomenon in the ecclesiastical condition of Scotland which the House should observe and recollect—namely, that, notwithstanding that between one-half and one-third are Dissenters, and that these Dissenters are divided into sections strongly antagonistic to each other, and each and severally being strongly antagonistic to the mother Church—in all is the creed, form of worship, and internal Church discipline identically the same. They all preach the purest Calvinistic doctrine; and in even the refinements of doctrine, there is no divergence between them; and they all diligently inculcate submission to the constituted authorities, and a loyal devotion to the Throne. They are undoubtedly, though split up, the bulwark of pure doctrine and loyalty. Yet, Sir, so antagonistic are they, that unity has long been looked at as a chimera, a vain dream. In the Church of England, the divergence of opinion is most distinct, and the doctrines preached almost diametrically contradictory of each other. In one church in London you will find the clergyman dressed in a Geneva gown preaching pure Calvinism. In a church a few yards off you find the vestments, the

gestures, and all the gaudy trappings and appliances of the Roman form, and the doctrine almost Ultramontane; and yet, on inquiry, the foreigner would find that both these churches are under the Establishment, the officiating clergymen under the same endowment of the State, and that the doctrine and ceremonial are merely variations of the same creed and form of worship, and yet there cannot be said to be complete harmony. They all, however, agree to have the protection, and loaves and fishes, afforded by the State. That, perhaps, is as great a phenomenon as a bitter antagonism between several Churches, which are apparently at one upon every essential point. I cannot better approach the consideration of this measure than by expressing my surprise at the temper with which the Church of Scotland views the opposition of the two great Dissenting Churches—the United Presbyterian and the Free Churches. The former hold—and have sacrificed all State support and endowment as witness of their view—that the establishment and endowment by the State of a Church is Erastianism in its worst form—an invasion of the spiritual independence of the Church—a usurpation of the prerogative of the great Head of Christendom whom we all acknowledge, and to whom all Christians bow. This sect holds patronage in abhorrence, but they consider it merely part and parcel of an ecclesiastical establishment which they more abhor as the major evil, merely containing the minor, and as unwarranted by Scripture, and inimical to the best interests of religion. How can it, therefore, be wondered at that they oppose this Bill? Because, Sir, why has the Crown given up its rights? Why have the patrons relinquished a hitherto valuable possession? Why has the Conservative Government, sacrificing its hitherto most cherished traditions, introduced a measure which but a few years ago would have been thought revolutionary? And why has the Church demanded this radical change in her constitution? It is simply because they all now see that patronage has from time immemorial been a festering sore, a grave disorder; that by transferring this right to the Church, you will restore that which you wantonly pilfered in 1712, heal this sore, and cure this disorder, and thereby inspire into her body more life and more vigour. Now, Sir, can we

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wonder that the United Presbyterian Church oppose this rehabilitation of a system which they conscientiously abhor? Sir, I think it would be more dignified if we, while meeting her arguments with all the intellectual vigour at our command, accepted her opposition without suspicion and without resentment. The Free Church opposition is, I conceive, equally logical, and its *locus standi* is, I conceive, strengthened if the Bill becomes law. Dr. Chalmers, the great leader, now long since gathered to his fathers, pronounced as his *beau idéal* of a useful Scriptural Church—a Church endowed and established by the State, the people having the right of electing their ministers. Now, Sir, by that Dr. Chalmers never meant that a clergyman should be elected by manhood or womanhood suffrage, or by a *plebiscite*. Dr. Chalmers meant that the whole duty of nominating, approving, and inducting—of selecting who among the congregation were to have the nomination, vote, or voice—was to rest, without dictation, recommendation, or interference by the State, entirely, and without appeal, with the Ecclesiastical Courts. That is what Dr. Chalmers meant; and if that had been granted in 1843, or for years after, the schism would never have taken place, and the Free Church by this time would have been re-incorporated in the mother Church. Now, I know the Free Church, being a powerful, independent, wealthy body, has modified her allegiance to her principles, and, notwithstanding her “claim of right,” which has never been repealed or even modified, and the utterances of many of the wisest of her fathers, has resiled from her former position. But, Sir, what do we desire by this measure? Why, to strengthen the Church, by removing all cause of offence from her, by acknowledging the folly of the policy of Bolingbroke, endorsed as it was by the policy of 1843, adopting the misconception of a useful Scriptural Church as set forth by Dr. Chalmers—by recollecting that 30 years have rolled by since 1843—and by legislating in a broad and Catholic spirit consistent with the age in which we live, and thereby open the portals of the Church so that those who, long absent from her, still look back on her with loving eyes, may again, without conscientious let or hindrance, enter in. But, what does this Bill do? Sir, the Bill provides that the State shall select per-

sons who perform a certain mysterious, to many incomprehensible, spiritual rite—who approach the sacramental table, and say to them—“You are better, holier, and more worthy of our confidence than other men, and you, therefore, we invest with a privilege, hitherto a feudal heritable property, saleable as the land to which it was attached. And you others who do not perform this mysterious spiritual rite—who do not approach the sacramental table—we hold you not so worthy as your brethren, though not altogether bad, and we leave you, when your holier brethren are filled, to eat such crumbs of this privilege as may fall within your reach.” Can anything be more distasteful to the spirit of modern legislation than this monstrous provision in an Act of Parliament; can anything be more Erastian; can anything be a graver infringement by the State on things sacred than this? Far from sweetening the atmosphere or opening the door of the kirk to consciences curious and tender on Erastianism, I unhesitatingly say that it makes her more unwholesome and tends to exclude rather than attract. Why, Sir, I search in vain in the old Scotch Acts affecting the Church, anything so incongruous as this. It is true they point out the congregation, and it is said, perhaps truly, that the congregation means the communicants; but why, therefore, in this measure before us, do the congregations take their place after the communicants? Moreover, these Acts were passed at periods when religious tolerance was discerned but as through a glass dimly, and religious liberty was almost unknown; but, Sir, I am wrong, there is an old Act, a well-known Act, a cruel, a bigoted Act, passed in 1673, which some Members may have heard of, called the Test Act. This Act provided that persons who performed the mysterious rite of eating the holy sacrament were to enjoy certain privileges conferred by the State, and that those who did not perform the holy rite should not receive those privileges; but would it not please the right hon. and learned Lord to make his work complete? There was a declaration tacked to this Test Act called the Declaration against Transubstantiation. Why does not the right hon. and learned Lord tack such a declaration to this Test Bill, and then the anachronism would be perfect? And these others of the congrega-

tion? Does not that, by Act of Parliament, warrant personal selection?—Does it not savour of legislative sanction to favouring the noble territorial magnate; toadying the rich; selecting for the privilege those whose investment with it might prove of special temporary advantage. Imagine what a temptation to an assistant, who practically is discharging the duties of an old and sickly minister, where a vacancy must evidently soon occur. I will not dwell further on this point. I think the selection, by the State, of communicants is repulsive, and of these others fraught with inconvenience, if not abuse. But there is another and, to my mind, graver danger. If, in an Act of Parliament, dealing with a sensitive Church, you select certain persons for certain preferential privileges you at once open the door to dispute and conflict. The right hon. and learned Lord will probably point to Clause 3 and the Definition Clause (Clause 9) and say those clauses give such discretionary power to the Church Courts that no conflict is possible. Then, why, I ask, are these communicants, these others of the congregation, and that committee, mentioned in the Bill at all? I cannot conceal from myself that in cases of disputed settlements—and all settlements, except where the congregation is unanimous, will be more or less disputed, or at any rate contested—persons or parties who believe the Church Courts are an invasion of the spirit or tenor of this Act, denying their right to vote, will, undoubtedly, appeal to the only authority which can interpret an Act of Parliament—namely, the civil Courts; and here, again, you will have a renewal of that conflict between the Civil and Ecclesiastical powers, which has alienated so many of her most powerful and best friends from the Church, and which in 1843 shook her to her very foundations. And now, Sir, a few remarks on the proposal of my hon. Friend the Member for Fife (Sir Robert Anstruther). I conceive that the Government are by this measure accepting the dictation of, and legislating for, not the Church, much less the people of Scotland, but the General Assembly. Now, if we polled Scotland, I unhesitatingly affirm that a very great divergence would be found to exist in all denominations between the opinions of the clergy and the

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opinions of the people on any legislation, and much more ecclesiastical legislation. I think my hon. Friend's proposal—and I trust he will press it in Committee—is conceived in a broad and patriotic spirit, far different from the spirits which have mixed this feeble legislative tonic. Both the Church and the State owe heavy debts to the Dissenters in Scotland. The Established Church is in a very different position from that which she occupied in 1843. Then she was a fair representative of the Protestants—nay, even of the people, in Scotland, of whom now she represents not one-half. What caused that? Why, the miserable policy of the Ministry of that day. The Premier then listened to the advice of certain personages who professed to know the temper, and feeling, and conscience of the people of Scotland. Their policy destroyed not only the Established Church, but that which is to my mind far more important, the unity of Protestantism in Scotland; that Protestantism, or that Protestant Church, which is now the purest, as she was then the most homogeneous expression of the Christian faith; which has been the guardian of the religious welfare of the people, and the strongest bulwark of our Throne and Constitution. Seeing the work this mistaken policy accomplished, now that we are necessarily reviewing the whole position of our Church, ought not we to acknowledge a deep debt of reparation, and, if possible, settle it? But we cannot do that by this feeble measure, which merely embodies the halting policy of the General Assembly. But we owe another debt—a debt of gratitude—and to whom? Why, to the Dissenting Churches; to those who, most injured—though by the mercy of Providence they emerged from poverty and obscurity to wealth, power, and distinction—have been the warmest allies of the Church, and also of the Legislature of the country—who have spent millions in doing the work of both—the warmest allies, I repeat, both of the Church and of the State. Seeing that, prior to the Disruption, the Established Church was admittedly very sluggish, and that since the Disruption, owing to the rivalry, the healthy friction between herself and her powerful sisters, and that even now, notwithstanding her own greater activity and liberality, there is still—more particularly in the crowded

vennels and loathsome suburbs of our great cities—much educational and spiritual destitution, we may fairly ask what would have been the position of the Church of Scotland if her own efforts, much increased as they have been of late years, had not been supplemented by her rivals? Could she, with any degree of success, have undertaken the enormous additional task which Providence had placed before her? Should we not, therefore, endeavour to legislate not as Commissioners of the Ecclesiastical Court of one particular sect, but as the councillors of a great country. In the name of eternal justice ought we to offer a feeble perfunctory measure which will only satisfy a small section of those who have been injured; a policy which—just, impartial, and healing in 1843—is now an unjust, partial, and irritating anachronism; or should we offer a measure conceived in a broad and Catholic spirit, which will reconstruct that great Church which was once so united, and thus repair the greatest wrong—ignorantly, if not wantonly—ever inflicted on a loyal people, and repay the highest debt that was ever incurred.

MR. HORSMAN said, he had listened to the speech of the hon. Member for Ayrshire (Mr. Montgomerie) with all the attention due to one who spoke with great knowledge of the subject. The hon. Gentleman had told them that the whole object of the Bill was the abolition of Church patronage in Scotland; but he had omitted to notice that the abolition of patronage was one thing and the mode of its abolition another. The principle of the Bill was abolition of patronage, and with that principle he heartily concurred; but it was another point to consider whether the mode of that abolition was wise and satisfactory. The question was whether, if the Bill passed without the Amendments which had been indicated, it would be likely to strengthen or to weaken the Established Church in Scotland. Upon that point, if the Bill were pressed on in its present form, he should feel it his duty to oppose it. The hon. Member for Ayrshire also congratulated the Government upon the introduction of the measure; but by this time, the conviction must have forced itself on the hon. Gentleman and the Government that the abolition of patronage in the Church of Scotland was not quite so small a

matter as it seemed six weeks ago. After a full consideration of the proposals of the Bill, he (Mr. Horsman) had come to a conclusion unfavourable to them without amendment. When he first heard that the Conservative Government, as its first act, had undertaken that abolition, he felt great surprise, but he concluded they had well considered the subject, and were acting with a sincerity which entitled them to the sympathy and respect of their opponents; but when he saw the Bill he was still more surprised, because he could not understand how a Cabinet which had mastered the subject could have persuaded themselves that a question from which previous Administrations had shrunk could be settled by so inadequate a measure. But when he heard the speech of the Prime Minister on Thursday, his surprise entirely disappeared, or took another direction, for he could hardly believe his ears when he declared that the abolition of Church patronage in Scotland was a question which interested those within the Church, and in no respect interested those without. By that time the right hon. Gentleman must have discovered that that was a delusion. The speech showed that his multitudinous duties had not allowed him to give five minutes thought to a subject with the history of which he was as well informed as any man in the House. But of the feeling of the people of Scotland the right hon. Gentleman must of course be informed by his advisers, and he was not the first Conservative Minister who had been most grossly misled and deceived in that respect. And what was the position in which the Government were placed? In a season of profound calm and unprecedented religious tranquillity in Scotland, they had raised a question upon which the feelings of the Scottish nation were intense, and upon one particular branch of that question most calculated to revive bitter memories. The result was that a challenge—a word most properly used—was given to the other Churches in Scotland. No one could remember a time when the Churches of Scotland were working so harmoniously as they were three months ago; that harmony had been disturbed by the Government, and the result was that in one day the challenge was accepted, and the religious leaders of one-half the

population of Scotland had declared for the disestablishment of the Established Church. That fact must have convinced the Government that they had proceeded rather hastily and rashly, for it was no light matter for a Government in these days to direct the attention of Parliament to the condition of any Established Church, and it was a very grave matter indeed to call for legislative action with reference to a Church which had lost to so great an extent its hold upon the nation as the Scotch Church had unfortunately done. All Established Churches were at present more or less upon their trial; all were more or less passing through a crisis, and if there was anything so precarious or perilous in the state of the Established Church of Scotland as to call for legislative interference, Government should have made it an occasion for reviewing the whole ecclesiastical condition of that country with a view to a large and bold policy, either of reconstruction or disestablishment. ["Oh, oh!"] No middle course was possible, but having unfortunately been persuaded to take that course, and having done so, it was impossible to revert to the dormant quiet of six months ago, and Government had now no alternative but to enter upon a policy of reconstruction or disestablishment. Accordingly, thinking they would do great service to the Church by abolishing patronage, they had given them a Bill which had not been inaccurately described as a device. The Prime Minister had spoken of the measure as one affecting only the Established Church—as merely a legislative sanction given to an arrangement between certain great patrons of livings in Scotland and the General Assembly, by which the rights of those patrons were to be transferred to the congregations—and so far it had all the air of a very Liberal and popular measure. But the more the matter was examined the more it would be seen that the Bill deserved the very gravest consideration, not merely on account of the changes it made, but also because of the principle it affirmed, and the irritation and opposition to which it would inevitably lead. The Bill dealt with the patronage of livings in four different ways. First, there were the Crown livings, in regard to which it was proposed that the present right of patronage should, with the consent of the

Crown and on the advice of the Minister, be abolished without compensation. Then there was the patronage enjoyed by municipal and other public bodies, which were to be forcibly dispossessed of the existing right without compensation. Next there was the patronage of private patrons, who were also to be dispossessed, but with a claim to compensation which was not to exceed one year's value of the living, and that was to be paid out of the pocket of the incoming minister, who was to pay to the patron the price by which the congregation was to acquire the right of appointing. Lastly, there was the case of the congregations composed of less than 25 communicants, and in regard to them it was proposed that the patronage should be given to the Presbytery. He failed to see any reason for disturbing the right of the present patron at a place where there was practically no congregation. Perhaps it was thought that a lay patron could not exercise the right of appointing a minister to a sinecure, as well as an ecclesiastical body. But was it not a matter of notoriety that wherever an ecclesiastical dignitary had a preferment to confer, however conscientiously he might endeavour to find the most meritorious young man who could be got, he invariably had the good fortune to find him in his own family. One great objection he had to make to the Bill was, that upon its passing, the minister would become the minister of the congregation and not of the parish, and in very many places in Scotland the congregation was not one per cent of the parish. It was proposed by the Bill that the right of patronage should be transferred to "the communicants and other members of the congregation," it being left to the General Assembly to make rules enlarging or restricting the number of electors. In other words, the General Assembly was to have absolute power over the number and character of the electoral body. Then came the question—who were to pay the minister? The present patrons were to be dispossessed of their right of patronage, but the heritors were still to be burdened with the obligation of payment. In short, with regard to patrons, the Bill was nothing more nor less than an Act of confiscation; with regard to parishioners, it was a Bill of disability and disfranchisement;

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and with regard to Church Courts, it armed them with most despotic powers, to enlarge or restrict, to admit or exclude, the electoral members of a congregation as they pleased. Then, it abolished the parochial system which had hitherto been the heart and life of the Established Church in both England and Scotland. It made the Established Church not parochial, but congregational; and it affirmed this new principle—that the congregation were to elect the ministers, while others who were not members of the congregation were to pay him. That was to say, it combined all the freedom of the voluntary system with all the advantages of State endowments. To a great extent it disestablished, but it did not disendow. It would place the landed proprietors in the invidious and vexatious position of being compelled to pay the ministers of voluntary congregations to which they did not belong; and was it not likely that they would seek to relieve themselves from this injustice by joining in the cry for Disestablishment? That cry was not heard at all during the last General Election, but it would certainly, if this Bill passed in its present form, ring in the ears of every Scotch candidate at the next. Had the two parties been in their old positions in the House, and the measure been introduced by a Liberal Government, the words “revolutionary,” sensational, and “confiscation” would, no doubt, have been frequently heard during the debates. He believed nothing was further from the intentions of the framers of the Bill than to create a disturbance, least of all a religious disturbance, in Scotland. It was well known that patronage had for generations been a great subject of conflict in Scotland, and he was ready to admit that the Bill had been brought forward with the best intentions. But the Government forgot two things. They forgot that the Church which they were endeavouring to please was the Church of the minority, and that the patronage which they were about to abolish had been the blazing symbol of that Church, in whose name they had persecuted and ejected those who were now the leaders of half the nation. It had occasioned more strife, more bitterness, more secession, more personal sacrifice and suffering than all other questions combined, and the old Covenanting spirit had been

kept up by these conflicts, until the Church had become as firmly and solemnly bound up with patronage, as the seceders were against it. There had, therefore, been a considerable sensation created in Scotland when people imagined and believed—an opinion he did not at all endorse—that there was a compact between a Conservative Government and a Conservative Church, to give legislative sanction to that Church—abandoning its principles while retaining its temporalities. It was in vain for any Minister to pretend to legislate for Scotland without making its history his guide. There was no history of any nation which was so uniformly instructive as was the religious history of Scotland, from the light it threw upon the character of the people; from the fatal mistakes which had been made by the Imperial Government in dealing with the subject, and from the lesson the Minister had to learn, that if there were any justification for his interference, it should only be by a large and healing measure of conciliation and peace; and that there was no justification whatsoever for interfering with the present state of things, in order to repeat that irritating and vexatious policy against which the indomitable spirit of the Scottish nation had rebelled, and always with success. They had been told that while the subject of patronage had given rise to much conflict, the Church was always a truly popular and national Church. He did not mean to go into the history of the great Secession of 1843, or to do more than touch upon the ill-advised policy adopted by Sir Robert Peel and Sir James Graham; but he might remind the House that those statesmen complained how much they had been misled by the advice they had received from Scotland. Sir Robert Peel was thus advised—“Stand by and adhere to your policy, and they will not go out.” The present Government had been advised to stand by their Bill, and they would come back. The one piece of advice was as delusive as the other. It was well known how bitterly Sir Robert Peel spoke of the manner in which he had been misled; and he (Mr. Horsman) could confirm what had been said—that Sir James Graham was wont to say that the Disruption of the Scotch Church was the most painful recollection of his official life. At the very

time of the Disruption, the Moderator of the first General Assembly of the Free Church, Dr. Chalmers, said—“Though we quit the establishment, we go out on the establishment principle—we quit a vitiated establishment, but would rejoice in returning to a pure one.” Had those words been brought under the consideration of the Government while they were preparing the Bill? If they had been so brought before the Government, and the Government had been properly advised, such a measure as that would not have been introduced. The Government had given them a Bill instead of a policy. What policy ought they, in his opinion, to have adopted? They ought to have reviewed the whole ecclesiastical systems of Scotland. If they had done so, they would have found that there were Churches outside the Established Church, having in common with it one creed, one faith, one worship. Practically they were all one Church, with this difference—that only one section of it was endowed. They would have found that the Secession of 1843 was in one sense almost an accident, because each of the parties mistrusted the resolution of the other. The Government could not be persuaded that 500 Ministers of the Established Church would have in one day thrown up their livings. The Church could not be persuaded that a Conservative Government would face the responsibility of the disruption of the Church. The present Government ought to have had a policy, and they had not to seek far to find it. The General Assembly appointed a committee of 80 members to consider the question, and it included several hon. Members of that House, among others the Lord Advocate. That Committee reported. They showed that the Free Church had both justice and law on its side in the secession; that the Presbyterian population of Scotland had all one faith with the Established Church; that the General Assembly professed not to seek for the abolition of patronage in the interest of the Established Church, but claimed it on behalf of the nation; and that they earnestly desired union between the different Churches, which were one with them in creed. That policy was before the Government. It was in accordance with the Amendment of his hon. Friend the Member for Fife (Sir

Robert Anstruther), and it was one which the Government ought to have adopted, as one which would have conferred undoubted benefit on the Established Church of Scotland. There were, however, some members of the General Assembly, and members of the Committee of that body and also ministers of the Church of Scotland, who were determined the subject should not drop. An amendment was accordingly moved in the last General Assembly by Sir Robert Anstruther—that the electoral body should consist of the inhabitants of the parish in which the church was situate, who were of full age and in communion with the Protestant Church of Scotland, and an amendment was moved upon that by one of the ministers of the Established Church, not as regarded the electors, but as regarded the ministers—that the ministers of other Presbyterian Churches should be eligible for any vacancy in the Established Church. Those were the amendments which he (Mr. Horsman), and those who entertained the same views on the subject, desired to submit to the consideration of the Government. If the Government would accept them, all objections to the Bill would at once vanish, because all these changes would be made in the interest of the National Church. The parochial system would be retained, the principle of an Established Church would be maintained, patrons under these amendments would be giving up their rights not for the benefit of a sect, but for the benefit of the nation; and the aggressive and offensive character of the measure would be taken away. And, above all, the great difficulty about the Highland parishes would be got rid of. They were told that those to whom these proposals were offered would not accept them. Perhaps they would not, but who would be bold enough to answer for the next generation? He remembered when the system of National Education was offered to Ireland, the Roman Catholic and Protestant clergy both set their faces against it; but in the next generation that system was carried out, because both the Protestant and Roman Catholic laity came in and settled the question. The House was told that the United Presbyterian ministers would not accept union. He did not expect that at present they would do so; but the House should legislate not for

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the present, but for the next generation. He admitted that the United Presbyterians desired that the Established Church should cease to exist. He gave no opinion on the union between Church and State, but as long as an Established Church existed, let the House make it as strong and as useful as they could. He thought this Bill went either too far, or not far enough. He could not affirm the principle that the Church of a "minority" was the Church of the nation; so long as it endured, they were ready to assent to it; but the moment they were compelled to express an opinion upon the subject, they were compelled to declare the principle that the Church of the minority must be a Church on sufferance, and could not deserve the recognition of the State. Being favourable to the principle of the Bill, he thought they might make the measure national in its objects and Conservative in its principles. If the Government would not accept the Amendments which he had mentioned, then he would rather reject the Bill, than accept it in its present form.

MR. GATHORNE HARDY said, he often wondered when he heard the right hon. Gentleman the Member for Liskeard (Mr. Horsman) address the House, that it had not been his fate to occupy the position at present occupied by his (Mr. Hardy's) right hon. Friend (Mr. Disraeli), because as to his power of suggestion, his knowledge of incidents that had occurred before a discussion came on, and his foreknowledge of everything which was to happen afterwards, there was no one equal to the right hon. Gentleman. The right hon. Gentleman had been kind enough to tell the House that the Government had originated a policy utterly inconsistent with all their previous theories; that they had not studied the subject; that they had dealt with it without having inquired into the religious conditions of Scotland; and that they had brought in a Bill which had been described as a "Tory device," having nothing whatever to do with the Church of Scotland, but being concocted in the General Assembly, with the assistance, he presumed, of the noble Duke who was once a Member of the late Government, aided by that violent Tory, his hon. Friend the Member for Fife-shire (Sir Robert Anstruther), who had spoken so ardently in favour of the Bill that evening. Let him tell the

right hon. Gentleman the Member for Liskeard, he (Mr. Hardy) did not know how long it was since he (Mr. Horsman) first directed his attention to the subject, but he could say for himself that his (Mr. Hardy's) attention was called to it many years ago, and that, after having studied it and looked upon it not as a member of the Church of England, but as much as he could in the interests of the Church of Scotland, he at first was opposed to it, but afterwards he came to the same conclusion as the right hon. Gentleman the Member for Greenwich, with regard to the election of ministers, and which was that it should be from within, and not without the Church. One thing remarkable connected with this debate was, that not a single hon. Member connected with the Free Church of Scotland had dared to say anything against the abolition of patronage, and as to the people of Scotland, they had petitioned strongly in favour of this Bill. The clergy of the Church of Scotland, too, practically speaking, unanimously assented to the Bill, and was he to be told that this proposal was contrary to the interests of the Scotch Church when he found Dr. Chalmers saying, if the Act of Queen Anne on patronage was repealed it would "light up a moral jubilee in our land?" Was he to be told that he was voting for the disestablishment of the Church of Scotland when he found that the great leader of the Secession of 1843 was of opinion that the repeal of the Act of Queen Anne was the only way of producing union and harmony? As to the United Presbyterians, they maintained principles wholly inconsistent with an Established Church, for one of their principles was, that any connection with the State was fatal to the character of any Church. With respect to the members of the Free Church, they stood in a totally different position, and he was sanguine enough to believe that the time might come when they would reunite with the Church from which they had seceded, and the passing of this Bill would promote that reunion, inasmuch as it would put an end to the cause of that secession. It was objected, however, that as the Established Church of Scotland in 1843 were in favour of the system of patronage, they ought not to be heard now when they expressed a desire for its abolition. But was that a reasonable objection? Why should not

the Established Church in 1874 ask for the abolition of a system which they wrongly desired to maintain in 1843? The right hon. Gentleman the Member for Greenwich might look back on the career of a great statesman and think that what he thought right 30 years ago might be, in his view, wrong now, and what was wrong 30 years ago was now right; and he told them the opinions he now held were those which he wished to see represented in any memorial of him that might descend to posterity. Was a Church to be debarred from what was allowed to an individual? But the fact was the Church of Scotland did not pronounce against the abolition of patronage, but was anxious for it. The Bill upon which it was hoped to obtain peace in the Church of Scotland was Lord Aberdeen's, in the Government of Sir Robert Peel, and it was because the right hon. Gentleman the Member for Greenwich, as a Member of that Government, did not go far enough at the time of the Disruption, that the great secession occurred. Yet he talked of confiscation, and called on them to make reparation. It was because the Government of which the right hon. Gentleman was a Member, would not pass a measure sanctioning what had been, no doubt, an infringement of the law that the Disruption ensued. The right hon. Gentleman accused them of confiscation, because they proposed that only one year's stipend should be the measure of compensation to the patron for his loss of the right of patronage. Before the Act of Lord Aberdeen no doubt patronage was worth something more—

"You take my house when you do take the prop
That doth sustain my house."

When it was permitted by Act of Parliament to the Church Courts, by almost any objection to a minister, to destroy patronage, it became practically absolutely worthless, and if there was confiscation anywhere it was when that Act was passed. They were told they were going to destroy the rights of parishes by this proceeding; now, he ventured to state that the mode in which patronage was now about to be dealt with was more in harmony with the old practice in the Church than that which the hon. Baronet the Member for Fifeshire proposed to substitute for it, for the Bill was in

Mr. Gathorne Hardy

accordance with the old traditions of the Church of Scotland, while the proposal of the hon. Baronet was inconsistent with them. The Bill, in fact, proceeded on what was the law till the statute of Anne abolished it, on what was the true principle of Presbyterianism. It might be called Congregationalism, but it was the system of Presbyterianism—that the people worshipping in a particular place should have the election of the minister. The Bill therefore introduced no novelty. It was the hon. Baronet's scheme that introduced the novelty—a scheme which he (Mr. Hardy) did not think would bring about unanimity. It was much more likely to produce dissensions which it would be difficult to heal. It was said they were taking patronage from one class and giving it to another; but if patrons were greatly aggrieved by the proposal, would they not have complained by petitioning against the Bill. He was happy to inform the House, however, that not a single Petition from any patron had been presented against the Bill. The only Petitions against the Bill were very remarkable. He found them summed up by the Committee on Petitions in one sentence. There were 280 Petitions against the Bill, and "they prayed the House to reject the Bill and introduce another for the disestablishment and disendowment of the Church." Those were the only Petitions against the Bill, and that was the summary given of everything they stated against it. Was it likely that they should be so very weak as to defer to the opinions of gentlemen who opposed the Bill, because they wished for the disestablishment of the Church? The Scotch were said to be a very logical people, and if there were two railways running over the same country with the same gradients, they would be very likely to combine them in order to economize expenditure; and so, finding two Churches, not differing in externals, doctrine, or discipline, but both agreeing in the same objects, and running over the same lines, they would be very apt, on such logical evidence, to combine them into one. They were told that the heritors ought to retain the patronage, and that if the heritors retained the patronage in a great many parishes in Scotland, it would be practically very much as if it were given to the ratepayers. But the patrons and the heritors did not pay the

stipend; it was the teind or tithe that paid the stipend, and the teind or tithe never belonged to the patrons or heritors; it belonged to the Church. The right hon. Gentleman the Member for Liskeard (Mr. Horsman) told the Government to be firm and all would come back. With their knowledge of human nature, they were not so sanguine as to suppose that all who had seceded from the Church of Scotland would come back; but with the right hon. Gentleman himself they might look forward with hope to the next generation. Scotland recognized the great self-denial and heroism of the leaders of the Free Church; Scotland was proud of such men, of their exertions, and of their great example; and he felt persuaded the time would come when the obstacle of patronage being removed, they would combine together in the interests of that Church, which was so dear to the hearts of Chalmers and Candlish and Guthrie and Macleod. He was unwilling to prolong the debate and would therefore conclude by saying he hoped the time would come when she would reap the reward of the Bill now under consideration—not, perhaps, in the present day, but in the next generation to which the right hon. Gentleman had alluded.

Question put.

The House divided:—Ayes 307; Noes 109: Majority 198.

Main Question put, and agreed to.

Bill read a second time, and committed for Thursday.

AYES.

Adderley, rt. hn. Sir C. Bentinck, G. C.
 Agnew, R. V. Benyon, R.
 Alexander, Colonel Beresford, Colonel M.
 Allsopp, H. Biddulph, M.
 Allsopp, S. C. Birley, H.
 Anstruther, Sir R. Bolckow, H. W. F.
 Anstruther, Sir W. Boord, T. W.
 Antrobus, Sir E. Booth, Sir R. G.
 Arkwright, A. P. Bourke, hon. R.
 Arkwright, F. Bousfield, Major
 Ashbury, J. L. Brassey, H. A.
 Asheton, R. Briggs, W. E.
 Baggallay, Sir R. Brise, Colonel R.
 Bagge, Sir W. Broadley, W. H. H.
 Balfour, A. J. Brocklehurst, W. C.
 Barrington, Viscount Brooks, W. C.
 Barttelot, Colonel Bruce, hon. T.
 Bass, A. Bruen, H.
 Bass, M. T. Brymer, W. E.
 Bates, E. Burrell, Sir P.
 Beach, rt. hn. Sir M. H. Campbell, C.
 Beach, W. W. B. Cave, rt. hon. S.

Cave, T.
 Cawley, C. E.
 Cecil, Lord E. H. B. G.
 Chadwick, D.
 Chaplin, H.
 Chapman, J.
 Charley, W. T.
 Cholmeley, Sir H.
 Christie, W. L.
 Churchill, Lord R.
 Clifton, T. H.
 Clive, Col. hon. G. W.
 Clive, G.
 Close, M. C.
 Clowes, S. W.
 Cochrane, A. D. W. R. B.
 Cole, Col. hon. H. A.
 Colebrooke, Sir T. E.
 Corbett, Colonel
 Cordes, T.
 Corry, J. P.
 Cotes, C. C.
 Cowan, J.
 Crichton, Viscount
 Cross, rt. hon. R. A.
 Cuninghame, Sir W.
 Cust, H. C.
 Dalkeith, Earl of
 Dalrymple, C.
 Deakin, J. H.
 Denison, C. B.
 Denison, W. E.
 Dickson, T. A.
 Disraeli, rt. hon. B.
 Douglas, Sir G.
 Dundas, J. C.
 Earp, T.
 Eaton, H. W.
 Edmonstone, Admiral
 Sir W.
 Edwards, H.
 Egerton, hon. A. F.
 Egerton, Sir P. G.
 Elliot, Admiral
 Elliot, Sir G.
 Elliot, G.
 Elphinstone, Sir J. D. H.
 Emlyn, Viscount
 Estcourt, G. B.
 Ewing, A. O.
 Feilden, H. M.
 Fellowes, E.
 Ferguson, R.
 Fielden, J.
 Finch, G. H.
 FitzGerald, rt. hn. Sir S.
 Fletcher, I.
 Floyer, J.
 Foljambe, F. J. S.
 Folkestone, Viscount
 Fordyce, W. D.
 Forester, rt. hon. Gen.
 Forsyth, W.
 Freshfield, C. K.
 Gallwey, Sir W. P.
 Galway, Viscount
 Garnier, J. C.
 Goddard, A. L.
 Gooch, Sir D.
 Gordon, rt. hon. E. S.
 Gordon, W.
 Gore, J. R. O.
 Gore, W. R. O.
 Gregory, G. B.
 Grieve, J. J.
 Guinness, Sir A.
 Gurney, rt. hon. R.
 Halsey, T. F.
 Hamilton, Lord C. J.
 Hamilton, I. T.
 Hamilton, Lord G.
 Hamilton, hon. R. B.
 Hamond, C. F.
 Hanbury, R. W.
 Hankey, T.
 Harcourt, Sir W. V.
 Hardcastle, E.
 Hardy, rt. hon. G.
 Hardy, J. S.
 Harrison, C.
 Harvey, Sir R. B.
 Hay, rt. hn. Sir J. C. D.
 Hermon, E.
 Hogg, Sir J. M.
 Holford, J. P. G.
 Holker, J.
 Holland, S.
 Holms, W.
 Holt, J. M.
 Home, Captain
 Hood, Capt. hn. A. W.
 A. N.
 Horsman, rt. hon. E.
 Howard, hon. C. W. G.
 Huddleston, J. W.
 Hughes, W. B.
 Hunt, rt. hon. G. W.
 Isaac, S.
 Johnson, J. G.
 Johnstone, H.
 Johnstone, Sir H.
 Jolliffe, hon. S.
 Jones, J.
 Kavanagh, A. MacM.
 Kennard, Colonel
 Kingscote, Colonel
 Knightley, Sir R.
 Knowles, T.
 Lacon, Sir E. H. K.
 Lawson, Sir W.
 Learmonth, A.
 Legard, Sir C.
 Legh, W. J.
 Leigh, Lt.-Col. E.
 Lennox, Lord H. G.
 Leslie, J.
 Lewis, C. E.
 Lindsay, Col. R. L.
 Lloyd, S.
 Lloyd, T. E.
 Lopes, H. C.
 Lopes, Sir M.
 Lorne, Marquis of
 Lowe, rt. hon. R.
 Lowther, J.
 Macartney, J. W. E.
 Macduff, Viscount
 Mackintosh, C. F.
 McCombie, W.
 McLagan, P.
 Mahon, Viscount
 Majendie, L. A.
 Makins, Colonel
 Malcolm, J. W.
 Manners, rt. hn. Lord J.
 Marten, A. G.

Matheson, A.	Sidebottom, T. H.	Carter, R. M.	Macgregor, D.
Maxwell, Sir W. S.	Simonds, W. B.	Cavendish, Lord F. C.	M'Arthur, A.
Mellor, T. W.	Sinclair, Sir J. G. T.	Clarke, J. C.	M'Arthur, W.
Milles, hon. G. W.	Smith, F. C.	Clifford, C. C.	M'Laren, D.
Mills, Sir C. H.	Smith, S. G.	Cole, H. T.	Marjoribanks, Sir D. C.
Mitchell, T. A.	Smith, W. H.	Conyngham, Lord F.	Martin, J.
Monckton, F.	Smollett, P. B.	Corbett, J.	Melly, G.
Monckton, hon. G.	Somerset, Lord H. R. C.	Cowen, J.	Milbank, F. A.
Monk, C. J.	Spinks, Mr. Serjeant	Crawford, J. S.	Monck, Sir A. E.
Montgomerie, R.	Stafford, Marquis of	Cross, J. K.	Morgan, G. O.
Montgomery, Sir G. G.	Stanford, V. F. Benett-	Crosley, J.	Murley, S.
Morgan, hon. Major	Stanhope, hon. E.	Dalway, M. R.	Mure, Colonel
Mowbray, rt. hn. J. R.	Stanhope, W. T. W. S.	Davie, Sir H. R. F.	Noel, E.
Muncaster, Lord	Stanley, hon. F.	Davies, R.	Nolan, Captain
Naghten, A. R.	Starkey, L. R.	Dilke, Sir C. W.	O'Callaghan, hon. W.
Nevill, C. W.	Starkie, J. P. C.	Dillwyn, L. L.	O'Shaughnessy, R.
Neville-Grenville, R.	Steere, L.	Dixon, G.	Palmer, C. M.
Newport, Viscount	Stewart, M. J.	Dodson, rt. hon. J. G.	Pease, J. W.
North, Colonel	Storer, G.	Duff, M. E. G.	Pender, J.
Northcote, rt. hon. Sir	Sturt, H. G.	Duff, R. W.	Pennington, F.
S. H.	Swanston, A.	Errington, G.	Perkins, Sir F.
O'Gorman, P.	Sykes, C.	Fawcett, H.	Philips, R. N.
O'Neill, hon. E.	Talbot, J. G.	Fitzmaurice, Lord E.	Playfair, rt. hn. Dr. I.
Onslow, D.	Taylor, rt. hon. Col.	Gladstone, rt. hn. W. E.	Potter, T. B.
Paget, R. H.	Temple, rt. hon. W.	Gladstone, W. H.	Price, W. E.
Palk, Sir L.	Cowper-	Goldsmid, J.	Ramsay, J.
Parker, Lt.-Col. W.	Thynne, Lord H. F.	Goschen, rt. hon. G. J.	Rathbone, W.
Peel, A. W.	Tollemache, W. F.	Gourley, E. T.	Reed, E. J.
Peel, rt. hon. Sir R.	Torrens, W. T. M'C.	Gray, Sir J.	Reid, R.
Pelly, Sir H. C.	Tremayne, J.	Harrison, J. F.	Russell, Lord A.
Pemberton, E. L.	Turner, C.	Hartington, Marq. of	Samuelson, B.
Peploe, Major	Vance, J.	Havelock, Sir H.	Seely, C.
Perceval, C. G.	Vivian, A. P.	Hayter, A. D.	Simon, Mr. Serjeant
Percy, Earl	Vivian, H. H.	Henley, rt. hon. J. W.	Smith, E.
Phipps, P.	Wait, W. K.	Hill, T. R.	Smyth, P. J.
Plunket, hon. D. R.	Wallace, Sir R.	Holms, J.	Smyth, R.
Plunkett, hon. R.	Walsh, hon. A.	Hopwood, C. H.	Stansfeld, rt. hon. J.
Portman, hon. W. H. B.	Walter, J.	Jackson, H. M.	Stevenson, J. C.
Powell, W.	Waterhouse, S.	Jenkins, D. J.	Stuart, Colonel
Praed, H. B.	Waterlow, Sir S. H.	Jenkins, E.	Synan, E. J.
Price, Captain	Watney, J.	Kensington, Lord	Taylor, D.
Rashleigh, Sir C.	Wellesley, Captain	Kinnaird, hon. A. F.	Tracy, hon. C. R. D.
Read, C. S.	Wells, E.	Lambert, N. G.	Hanbury-
Repton, G. W.	Wethered, T. O.	Leatham, E. A.	Trevelyan, G. O.
Ripley, H. W.	Whalley, G. H.	Leeman, G.	Williams, W.
Ritchie, C. T.	Wheelhouse, W. S. J.	Lefevre, G. J. S.	Wilson, Sir M.
Robertson, H.	Whitelaw, A.	Leith, J. F.	Young, A. W.
Round, J.	Whitwell, J.	Lloyd, M.	TELLERS.
Russell, Sir C.	Whitworth, W.	Lush, Dr.	Baxter, rt. hon. W. E.
Ryder, G. R.	Williams, Sir F. M.	Macdonald, A.	Laing, S.
Sackville, S. G. S.	Wilmot, Sir H.		
Salt, T.	Wolff, Sir H. D.		
Samuda, J. D'A.	Woodd, B. T.		
Sanderson, T. K.	Wyndham, hon. P.		
Sandford, G. M. W.	Wynn Sir W. W.		
Sandon, Viscount	Wynn, C. W. W.		
Sc Slater-Booth, rt. hn. G.	Yarmouth, Earl of		
Scott, Lord H.	Yeaman, J.		
Scott, M. D.	Yorke, hon. E.		
Scourfield, J. H.			
Selwin - Ibbetson, Sir	TELLERS.		
H. J.	Dyke, W. H.		
Shute, General	Winn, R.		

NOES.

Adam, rt. hon. W. P.	Brooks, rt. hon. M.
Anderson, G.	Brown, A. H.
Balfour, Sir G.	Bruce, rt. hon. Lord E.
Barclay, A. C.	Burt, T.
Barclay, J. W.	Cameron, C.
Beaumont, W. B.	Campbell-Bannerman,
Brogden, A.	H.

PUBLIC HEALTH (IRELAND) (re-committed) BILL—[BILL 161.]

(Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.)

COMMITTEE.

Order for Committee read.

Bill considered in Committee.

(In the Committee.)

Clauses 1 and 2 agreed to.

Clause 3 (Description of urban sanitary districts and urban sanitary authorities).

MR. ERRINGTON (for Mr. W. SHAW) moved, as an Amendment, in page 2, line 7, after "corporate," to insert "and town and township having not less than

twelve thousand inhabitants." The hon. Member said it was necessary that some distinction should be made between the urban and rural districts, for it would be impossible to work both by the same machinery. The minimum of 12,000 was too much for the rural districts; and, by his Amendment, he proposed to substitute for it the urban districts.

SIR MICHAEL HICKS - BEACH said, that the Schedules had been taken from the Local Government Act of 1871, and his reason for including these small places was, that they were now places having a *quasi*-municipal authority. He would prefer the limit of 10,000 population to that of 12,000; and if the hon. Member for Longford would leave the matter in his hands, he would endeavour, on the Report, to place such Amendments on the Paper as would carry out the view of Irish Members as far as possible.

Amendment, by leave, *withdrawn*.

Clause verbally amended, and *agreed to*.

Remaining clauses, verbally amended, and *agreed to*.

House *resumed*.

Bill *reported*; as amended, to be considered upon *Thursday*.

INTOXICATING LIQUORS (IRELAND)

(No. 2) BILL.—[BILL 191.]

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Sir Michael Hicks-Beach.*)

MR. SYNAN said, he had given Notice to move that the Bill be re-committed, on the ground that an Amendment, of which he had given Notice, had not been considered. He referred to the omission of the 5th clause. He intended proposing its omission on the consideration of the Report, and was in his place until a late hour on Thursday, or rather an early hour on Friday morning. The discussion on the Public Worship Bill had, however, been extended until an advanced hour, and he left the hon. Member for the University of Cambridge (Mr. Beresford Hope) speaking upon the subject with the appearance of

going on for some time. That was after 2 o'clock; but at 3, it appeared, the debate had been adjourned, and the Orders of the Day proceeded with; but no one could have dreamt that the Order standing 16th on the list would be taken, and two or three pages of Amendments added to, and inserted in the Bill. With but a few Irish Members present—in fact, only four, the right hon. Gentleman had rushed forward, and pushed the Bill through. ["Oh, oh!"] He said yes; there were only four Irish Liberal Members present. He had looked at the division lists, and found there were only four Irish Members in the division in favour of postponement. He complained most seriously of this method of treating Irish business. It was their continual lot: whilst the English Bill had received days of consideration, they were shut up to the fag ends of nights. He could not think it was the wish of the Chief Secretary for Ireland to treat Members for Ireland in such a way; but it proved the necessity of finding some way of relieving the House of such necessities. He was not going at that hour to press his Amendment to a division; but he most earnestly hoped that the right hon. Gentleman would secure the removal of the clause to which he had referred. It was described as "Occasional licences—extension of time for closing." He could not imagine what the object of such a clause was. It gave power to magistrates to grant occasional licences for fairs and races, which were formerly not to be open later than an hour after sunset, until 10 o'clock. That was a most extraordinary extension; and where a magistrate granted such a permission in the winter to that late hour, he (Mr. Synan), knowing from observation what would be the result, could not speak for the order of some districts of Ireland. It was simply an uncalled-for method of exciting to disorder, and when factions existed the duties of the police would be greatly increased, or rather rendered nugatory. But that effect would be the smallest result. He believed the clause, as it stood, might easily end in homicide. He therefore repeated that he hoped that the clause would either be omitted or modified in "another place."

SIR MICHAEL HICKS - BEACH said, he could certainly assure the hon. Member that he had no desire to have

Irish Bills taken at inconvenient times for the Members who were interested in them. He could only make the best possible use of the time at his disposal, and he had to express his thanks to hon. Members from Ireland for aiding him to the extent they did under the circumstances. He frequently felt very grateful to them for their co-operation, as on that occasion, in the Public Health Bill, which they had just passed through Committee. In regard to this measure, however, he could not admit that ample time had not been devoted to it. It had been four times before Committee, and, on one occasion, a whole day had been occupied in the consideration of it. The 5th clause had been discussed among the rest, and a division taken upon it, when the feeling of the House proved to be so strongly in favour of its retention that he hoped the hon. Member would not now press his Amendment.

MR. R. SMYTH: I concur in much that has been said by my hon. Friend (Mr. Synan), and do not think that the Chief Secretary for Ireland has successfully vindicated the course which has been taken in bringing forward this Bill from night to night, at an hour when Irish Members must of necessity have relaxed their vigilance. The right hon. Gentleman has betrayed a misapprehension as to the present state of the law with respect to occasional licences. The Act of 1872 does not give magistrates unlimited discretion as to hours in the case of fairs and race-courses, but does so in the case of balls and other in-door gatherings. I would remind the House that this Licensing Bill was introduced at 1 o'clock in the morning on the 16th of May, without one word of explanation. The second reading was moved at half-past 1 o'clock in the morning, without a single word from the right hon. Baronet to show with what motives it originated, what was its principle, what were its objects, or what great reasons of State policy had impelled the Ministry to undertake such a measure. This is one of the measures which were honoured with a reference in the Speech from the Throne. I do not for a moment suppose that a Licensing Bill for Ireland was deemed of less consequence than one for England, and therefore I claim, without fear of contradiction, that this was regarded as one of the great measures which were to make this Session memor-

able in legislation. And yet, to this hour, there has not been one sentence vouchsafed by the Government in explanation or defence of it—a phenomenon which, I venture to think, is unprecedented in the annals of the House. A measure is mentioned in Her Majesty's gracious Speech, and then it is run through the House of Commons in absolute silence, so far as the Administration is concerned. Now, I ask, even at this late stage, who demanded this Bill? Under what pressure was it brought forward? No Irish Member in this House, I believe, knows how or when it originated, or what grievances it was intended to meet; or, if he does, he knows a great deal more than I do, or any Irish Member to whom I have spoken on the subject. In particular, I want to know who asked the Government to extend the hours of drinking on race-courses from an hour after sunset till 10 o'clock at night? Representations must have come from some quarter, and I do hope these pleadings were not the mere private prayer of interested publicans. Did the magistrates of Ireland send any official notification to the Government that it was a bad thing to shut up drinking-booths so early as an hour after sunset, and that it would be a great stroke of reform to keep poor people drinking in tents on the open plains till 10 o'clock at night? I say, that this provision of the Bill may cover certain localities with disgrace, and may turn out to be the source of serious and abounding evils. At any rate, we have a right to know who wanted the change, and what objects the Ministry had in view in proposing such a disastrous clause. I regret that my hon. Friend the Member for County Limerick had not an opportunity of moving the rejection of the clause in Committee. No doubt, we will be told that the magistrates are not bound to give the whole statutable extension to these race-course licences. That is true, but you are suggesting that they should. I am not a little surprised to find such faith in magisterial discretion developed on the Treasury Bench. We know how the Home Secretary refused to admit that English magistrates were discreet enough to be entrusted with the control of a single half-hour in the towns and villages of England; but, all of a sudden, it is discovered that Irish magistrates may safely be left with the control

Sir Michael Hicks-Beach

of five hours' discreet drinking. I shall be the last to deny the superior wisdom and prudence of Irish magistrates. I admit that they are nearly as perfect as men can become; but, after all, they might make a mistake, and I would rather have a discreet Act of Parliament than a discreet magistrate. I have further to say that the doctrine of Irish discretion, which is so paramount in this Bill, may possibly lead to other changes. If Irish magistrates are so well able to judge of local wants, perhaps the like attribute will soon be conceded to Irish ratepayers, and we need not wonder if the present Government should introduce a Permissive Bill for Ireland, founded on the great doctrine of local Irish discretion. There is, however, one redeeming feature in the Bill. I am bound to mention it, because I do not desire to present a one-sided view of the case. The restriction of licences to annual issue is, in my opinion, a most advantageous provision, and for the sake of this alone I should like the Bill to become law. But I most earnestly desire that it should be purged of the race-course taint, and perhaps in its transit through other regions it may meet with this happy purgation. I know the difficulties with which the right hon. Baronet has to contend. He is not a Cabinet Minister, and has to be content with these small hours of the morning for the carriage of Irish Bills. The hours that are worth nothing to Englishmen are given to Irishmen, and to the Chief Secretary for Ireland. But I must really express the hope that this will be the last of these somnambulist Irish Bills during the present Parliament. I do not oppose the third reading; but I record my humble protest against certain parts of the measure, and against the manner in which the right hon. Baronet, without any choice or fault of his own, has carried it through the House.

Question put, and *agreed to*.

Bill read the third time, and *passed*.

IRELAND—FENIAN PRISONERS.— RETURN MOVED FOR.

MR. O'CONNOR POWER, in moving for an Address for Returns of the names of Fenian prisoners who had died or become insane during the last 10 years, in consequence of the severity of the treatment to which they were subjected

in prison, said, it should be borne in mind that they were "political" prisoners, and as such their sufferings were deserving the consideration of Parliament. The hon. Member concluded by moving the Resolution.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Returns of the names of the persons who died, or became insane, or permanently disabled at any time during the last ten years whilst suffering imprisonment under warrants issued by the Lords Lieutenant of Ireland by virtue of the powers conferred on them by the Habeas Corpus Suspension (Ireland) Acts and the Peace Preservation (Ireland) Acts:

"Of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment on account of their conviction, either as principals or accessories, of the murder of Serjeant Brett at Manchester:

"Of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment under convictions for treason-felony:

"And, of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment under sentences of Courts Martial in Ireland for offences against the Articles of War appearing to be connected with their complicity with the Fenian conspiracy."—(*Mr. O'Connor Power*.)

MR. ASSHETON CROSS took exception to some expressions in the words of the Motion, as being calculated to convey a false and exaggerated impression of the facts; and as to some of the prisoners, he objected to the word "political" prisoners being applied to them, seeing that some of them had been accessories to the murder of an innocent man in the discharge of his duty. With regard to the observations of the hon. Gentleman in reference to the ill-treatment of these Fenian prisoners, the matter was fully inquired into in 1867, when the Commission was appointed to inquire into the condition of the Fenian prisoners at that time confined in England, and the Commissioners reported that there was not the slightest foundation for the charges made as to the exceptionally severe treatment of these prisoners. Subsequent inquiries which he (Mr. Cross) had caused to be made in reference to the Fenian prisoners, both in this country and in Ireland, had convinced him that such charges were wholly without foundation; and that, instead of the prisoners being

treated with undue severity, as had been alleged, on the contrary they had been treated better than might have been expected. He regretted his duty gave him no option but to refuse the Returns.

Question put.

The House divided:—Ayes 21; Noes 92: Majority 71.

ALDERNEY HARBOUR BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to provide for the transfer to the Admiralty and the Secretary of State for the War Department of Alderney Harbour, and certain lands near it, ordered to be brought in by Mr. WILLIAM HENRY SMITH, Sir MASSEY LOPES, and Lord EUSTACE CECIL

Bill presented, and read the first time. [Bill 205.]

House adjourned at half after
Three o'clock.

HOUSE OF LORDS,

Tuesday, 14th July, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Intoxicating Liquors (Ireland) (No. 2)* (174);* *Revising Barristers (Payment)* (175).*

Second Reading—*Vaccination Act (1871) Amendment (161); Chain Cables and Anchors (157); Colonial Attorneys Relief Act Amendment* (134).*

Committee—*Factories (Health of Women, &c.) (143).*

Committee—Report—*Personation* (138).*

Report—*Intoxicating Liquors (130-160-176).*

Third Reading—*Board of Trade Arbitrations, Inquiries, &c.* (103); Local Government Board (Ireland) Provisional Order Confirmation* (76); Local Government Board's Provisional Orders Confirmation (No. 5)* (99); Foyle College* (159), and passed.*

INTOXICATING LIQUORS BILL.

(Nos. 130-160.)

(The Lord Steward.)

REPORT OF THE AMENDMENTS.

Amendments reported (according to Order).

Clause 9, (Saving as to Section 9 of the principal Act), *struck out.*

EARL BEAUCHAMP moved after Clause 29, to insert the following Clause:—

"Where any licence is forfeited for a single offence there may be made by or on behalf of the owner of the premises an application to a Court of summary jurisdiction for authority to

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carry on the same business on the same premises until the next special sessions for licensing purposes, and a further application to such next special sessions for the grant of a licence in respect of such premises, and for this purpose the provisions contained in the Intoxicating Liquor Licensing Act, 1828, with respect to the grant of a temporary authority and to the grant of licences at special sessions, shall apply as if the person convicted had been rendered incapable of keeping an inn, and the person applying for such grant was his assignee."

After short conversation—

Clause agreed to, and added to the Bill.

Clause 32 (Definitions).

On Motion of the Earl BEAUCHAMP, the following Proviso was added:—

"Provided, that as soon as may be after the publication of each census the county licensing committee shall, at a meeting to be specially convened for the purpose, revise the orders then in force within their jurisdiction, constituting areas either parts of towns or populous places, and shall make such alterations therein, or such further orders, if any, as they shall deem necessary to give effect to the provisions of the Act."

Sub-section 3.

(Definition of "Populous place.")

THE EARL OF KIMBERLEY said, that as it now stood in the Bill the definition was—

"'populous place' means any area which, by reason of the number and density of its population, not being less than one thousand, the county licensing committee may, by order, determine to be a populous place."

Density could not be 1,000, or any other number, except there was a reference to area.

EARL BEAUCHAMP said, the definition was as it had come up from the Commons.

After some conversation—

THE LORD CHANCELLOR proposed to amend the definition as follows:—

"'Populous place' means any area with a population of not less than one thousand, which by reason of the density of such population, the county licensing committee may by order determine to be a populous place."

Amendment agreed to.

Clause as amended, agreed to.

Bill to be read 3^d on Friday next, and to be printed as amended. (No. 176).

VACCINATION ACT (1871) AMENDMENT
BILL—(No. 161.)*(The Lord Walsingham.)*

SECOND READING.

Order of the Day for the Second Reading, read.

LORD WALSHINGHAM, in moving that the Bill be now read the second time, said, he thought it required very little explanation from him to render clear to their Lordships the ground upon which it was introduced, and, in short, to secure for it the assent and approval of the House. Experience of the working of the existing Vaccination Acts had disclosed certain anomalies in the law as it now stood, which caused the Local Government Board to submit a case for the opinion of the Law Officers of the Crown. That opinion had shown most clearly the necessity for some alteration which should prevent the possibility of such circumstances occurring as might be beyond the power of the existing authorities to deal with in a satisfactory manner. He must remind the House that although there were many who dissented from it, it had been a principle generally recognized in modern legislation, that vaccination should be made compulsory. The Act of 1867, in Section 27, provided that the Registrar of each district should make a half-yearly report to the Guardians of his union or parish of all cases in which the certificate of vaccination had not been duly received by him, and that the Guardians, after due inquiry, should cause proceedings to be taken against persons who had neglected to comply with the provisions of the Act. The Act, at the same time, empowered the optional appointment by the Guardians of a vaccination officer, by whom these proceedings were to be taken. By another Act, passed in 1871, Section 27 of the Act of 1867 was repealed, the appointment of the vaccination officer was made compulsory upon the Guardians, and the Registrar was required to send his lists direct to him, instead of to the Guardians, as before. Nevertheless, it seemed clear that it was not intended by the Act of 1871 to relieve the Guardians from the responsibility of instituting the necessary prosecutions—a duty distinctly imposed on them by the Act of 1867—inasmuch as power was given in Section 5 to the Local Government Board to make orders and regula-

tions in these matters in the same manner as in matters relating to the relief of the poor. And it was considered at the time that this provision would be sufficient to enable the Local Government Board to prescribe the duties of Guardians and their officers for the purpose of enforcing vaccination. Now, it was well known to their Lordships that many parents had a conscientious objection to vaccination, and a Select Committee of the House of Commons had expressed the opinion that in such cases repeated prosecutions were impolitic. A clause was, therefore, introduced into the Bill of 1871, providing that no parent should be liable to viction for neglecting to have his child vaccinated, if he had been previously adjudged to pay the penalty of 20s. for the offence, or had been twice adjudged to pay any penalty for any such offences in respect of such child. That clause was struck out in their Lordships' House by a majority of 1, after having passed the House of Commons, upon the ground that it would destroy the principle of compulsory vaccination; and a subsequent Bill, containing a similar clause, was withdrawn from the other House in 1872, in consequence of the numerous Petitions from various Boards of Guardians against it. It was in no way contemplated by the Bill to encourage prosecutions to the extent of persecution, but to leave a fair discretion to be exercised in cases of conscientious objections, so long as it might not be considered too seriously to interfere with the existence of a proper regard for the principle of compulsory vaccination. Shortly after the passing of the Act of 1871, in pursuance of the authority therein apparently given to them, the Local Government Board issued an order directing vaccination officers—unless specially authorized to take independent action—that they should submit all cases of default to the Boards of Guardians under whom they acted, and be guided by their instructions; but some Boards of Guardians, acting under the inspiration of the Anti-Vaccination League, had recently refused to instruct their officers to proceed against persons for neglecting to have their children vaccinated. Upon a careful consideration of the law upon the subject, which he had attempted very briefly to state to their Lordships, certain questions arose which made it doubtful what were the exact

relations existing upon these matters between the vaccination inspectors, the Boards of Guardians, and the Local Government Board, as to the extent or limit of the authority which each could claim as compared with that of the other two, or of either one of them. It was open to doubt—first, whether, after the repeal of Section 27 of the Act of 1867, it was still the duty of the Guardians to prosecute defaulters; and if not, whether, under the power given by Section 5 of the Act of 1871 to the Local Government Board to prescribe regulations, they could oblige the Boards of Guardians or the vaccination officers to give effect to the provisions of the law. Secondly, whether, if that part of the directions to vaccination officers which now required them to apply for the instructions of the Guardians with respect to prosecutions were withdrawn, it would be the duty of the officers to take proceedings in the absence of instructions, or even if actually forbidden by them. Such were the points submitted for the opinion of the Law Officers of the Crown, who advised that it was not now incumbent upon the Guardians to prosecute; that the power of the Local Government Board to issue orders did not apply to proceedings by the Guardians or their officers for enforcing obedience to the law; that it was the duty of the vaccination officer to prosecute without any order from the Local Government Board or the Guardians; and that it was not clear that the Local Government Board could take any proceedings against an officer who might be forbidden by the Guardians to prosecute in particular cases. They had, therefore, this strange anomaly presented to them, that it was now the duty of a servant of the Guardians to institute prosecutions without consulting the authorities under whom he acted, and perhaps even contrary to their express instructions; that this officer had absolutely no funds at his disposal for the purpose of performing such duties, and that although the Guardians were empowered to pay these expenses, he had no means of recovery in case of refusal. Moreover, that the Local Government Board had no means of enforcing obedience to their instructions. The object of this Bill was to get rid of these anomalies by enabling the Local Government Board to prescribe rules and regulations for placing the relations

between the Guardians and their officers on a proper footing, in accordance with the intention of the Act of 1871, and, at the same time, to clear up the difficulty with regard to the costs of prosecutions. He trusted it would be accepted as a measure rendered necessary by the unsatisfactory condition of the existing law as interpreted by the Law Officers of the Crown, and that their Lordships would consent to give the Bill a second reading.

Moved, "That the Bill be now read 2^d."
—(*The Lord Walsingham*.)

Motion agreed to: Bill read 2^d accordingly, and committed to a Committee of the Whole House on *Thursday* next.

CHAIN CABLES AND ANCHORS BILL.

(*The Earl of Dunmore*)

(NO. 157.) SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF DUNMORE, in moving that the Bill be now read the second time, said, that the Chain Cables Act of 1864 required that all anchors made in in this country for the use of the merchant service should be subjected to what was known as the tensile strain. No anchors which were not up to that strain could be sold in this country. That Act expired on the 1st of July, 1872, and in the Session of 1871, a Bill was brought in having for its object, not only to perpetuate the clauses of that Act, but to make certain important additions to them. By the provisions of that Bill, which was now an Act of Parliament, there was another test besides the tensile strain applied to cables. The whole of the cable was subjected to that strain, but, in addition, there was a special and more severe test applied to five links in every 15 fathoms. An objection to the existing Act was this—that it prohibited any maker selling, even to a foreign shipowner, for use out of this country a cable not tested in our way; while some of those shipowners preferred other systems of testing, such, for instance, as the Dutch system which was applied at Amsterdam. The object of this Bill was to enable chain-cable makers to manufacture cables for the foreign market without subjecting them to the statutory test or any test applied in this country. The 3rd clause, there-

Lord Walsingham

fore, confined the test to anchors and chain cables "for the use of any British ships," so that henceforward the foreign purchaser would have the option of having his chain cable tested according to our system, or having it tested elsewhere. The 6th clause repealed the section of the 34 & 35 *Vict.*, which directed the nature and amount of the test, and substituted any test approved of by the Board of Trade as a test equal or superior to the existing tests.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Dunmore.*)

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

FACTORIES (HEALTH OF WOMEN, &c.)

BILL.—[No. 143.]

(*The Lord Steward.*)

COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 9, inclusive, *agreed to*.

Clause 10 (Abolition of recovery of lost time under 7 & 8 *Vict.*, c. 15, ss. 33 & 34.)

EARL BEAUCHAMP said, that under the existing law a water-mill owner had power to make up for lost time when water was deficient; but when an engine broke down, there was no power to make up for lost time, and he did not see why any distinction should be drawn; and considering the present stage of factory legislation, he thought the time had arrived when all distinctions of this sort should be put an end to. However, such was the law at present. The other House had abolished the distinction in Committee, and consequently without notice to the water-mill owners, who complained of what had been done. It was therefore proposed to grant some indulgence, and to postpone the operation of the clause till the 1st January, 1876, and he thought that that would meet the justice of the case, and give these mill-owners time to provide a storage of water.

Amendment *moved*, at the beginning of the clause insert—"After the 1st day of January, 1876."—(*The Earl Beauchamp.*)

LORD ABERDARE said, that the clause, if *agreed to*, would not prevent some mills from making up lost time;

indeed, there was an immense number of trades which would remain under the present law. The clause was not in the Bill originally. It was introduced in Committee of the other House, and the first notice some of the manufacturers had of its introduction was through the reports in the newspapers. As the Home Secretary had announced his intention to ask for a Select Committee to consider the whole question, with a view of dealing with all manufacturing processes, he saw no reason why the clause under consideration should not be omitted from the Bill, until the Government was prepared to complete and consolidate factory legislation. If the Bill was allowed to remain in its present form it would create a sense of injustice, because it involved a sudden and violent change in the existing law.

EARL BEAUCHAMP said, there was certainly no desire on the part of the Government to act hardly towards these millowners, as was shown by this proposal to give them an indulgence of a year and a half. The present Bill only proposed to deal with the manufacture of textile fabrics, and the Amendment he proposed was drawn in order to meet the case of such manufactures. At some future time, when it was proposed to deal with other businesses, provisions suitable to them would be brought forward. The question between himself and the noble Lord opposite (Lord Aberdare) was merely one of degree, and as the noble Lord admitted that the matter was one which ought to be dealt with, he saw no reason why the clause with the Amendment he proposed should not be adopted. In the majority of cases the want of water which created the necessity for "the recovery of lost time" mentioned in the clause, was the result of a want of prevision on the part of the millowners. He saw no reason why Parliament should interfere to protect millowners from their own want of care and foresight.

LORD WAVENEY pointed out that in many cases manufacturers were unable to provide themselves with sufficient storage room to enable them to secure sufficient water to meet emergencies and consequently were unable to prevent lost time in their mills.

THE DUKE OF RICHMOND said, the Bill was framed in order to provide for several matters other than the health of

the persons engaged in manufactures, and, therefore, if the suggestion of the noble Lord was adopted the objects of the Bill would be to a certain extent defeated. He thought the Amendment met the difficulties of the case fairly.

THE MARQUESS OF BATH said, there was a disposition to push this factory legislation too far, and to interfere unduly with the commerce and manufactures of the country. There could be no doubt that, as had been suggested, many cases existed in which it was impossible for many reasons for the mill-owners to store a sufficient quantity of water to insure them against losing time which it was necessary afterwards to make up.

THE EARL OF SHAFTESBURY said, the clause as it stood in the Bill had been inserted by the other House—and he did not know whether his noble Friend (Lord Aberdare) desired to get rid of it or not. He thought that if they did get rid of it, and millowners in retired localities, where the Inspector was not so frequently seen, were allowed the unrestricted power of employing their hands at overwork in order to make up lost time, enormous intolerable abuses would spring up. A great meeting of Irish operatives had been held in Belfast, and they had come to a decided resolution that the whole of the Bill was to be supported as being the great charter of their liberties. He trusted, therefore, that their Lordships would preserve the principle of the Bill entire.

LORD ABERDARE denied that the provision in question was any part of the principle of the Bill. It was not in the measure when it was read the first time in the House of Commons or when it was read a second time. It was first heard of in Committee, when it was inserted without notice to the parties interested. He was sure his noble Friend would not force upon the manufacturers a provision of which they had had no notice.

THE EARL OF SHAFTESBURY observed that, whenever and wherever it was inserted, it was an excellent enactment. He thanked the hon. Gentleman who proposed it, and the House of Commons who accepted it, and he hoped he would have to thank their Lordships for adopting it.

Amendment agreed to.

Clause, as amended, agreed to.

The Duke of Richmond

LORD ABERDARE then proposed to insert after Clause 12 the following clause:—

“Attendance at a school which is not recognized by the Education Department or by the Scotch Education Department as giving efficient elementary education shall not be accepted as satisfying any of the requirements of this Act in respect of the education of children employed in labour in England and Wales or Scotland.”

He had, he said, abundant evidence before him that the schools to which the great majority of factory children were now sent were not efficient schools. That fact would be admitted by all who had read the Reports of the Inspectors on the subject. When the Factory Act was passed there were no means of compelling local authorities to provide proper schools. The Act of 1871, however, had put an end to that state of things; but a clause like that which he submitted was necessary to insure a good elementary education for factory children.

EARL BEAUCHAMP said, he could not accept the clause in its present form; but if the noble Lord would allow the matter to stand over he would undertake to bring up a clause on the Report to carry out the object the noble Lord had in view. There could, of course, be only one wish on the part of their Lordships on the subject—namely, to secure an efficient education for the children.

THE MARQUESS OF BATH said, the clause should be so framed as to make it clear whether attendance at a school which had been inspected and passed as an efficient school, but which was not in connection with the Education Department, would satisfy the requirements of the Act. In agricultural districts questions sometimes arose in regard to the education of the children, and the Boards of Guardians were not always able to meet the requirements of the Department.

THE EARL OF KIMBERLEY agreed with the noble Marquess that the clause should specify whether attendance was necessary in schools having certificated masters or mistresses, or whether attendance at an inspected school would be sufficient. He agreed that there was much difficulty in dealing with schools in the agricultural districts, as some of them were not efficient.

THE DUKE OF RICHMOND believed that attendance at an inspected

school was sufficient under the Agricultural Children's Act. The question now raised was under the consideration of Her Majesty's Government. The object in view was that from 1876, or other given time to be named in the Bill, the children should be compelled to attend at some school to be approved by the Education Department, so as to secure their attendance at some efficient school. He hoped the noble Lord would not press his clause at this moment, as it was the wish of his noble Friend (Earl Beauchamp) to frame a clause which would enable the Education Department to require the attendance of children at the most efficient school in their district—that was to say, at a school where there was a certificated teacher.

LORD ABERDARE withdrew his clause, being quite satisfied with the statement of the noble Duke.

The Report of the Amendment to be received on *Monday* next.

House adjourned at Seven o'clock,
to Thursday next, half-past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 14th July, 1874.

MINUTES.] — PUBLIC BILLS — *Resolution* [July 13] reported—Court of Judicature (Ireland) [Salaries, &c.] *.
Resolution [July 13] reported — Ordered—Police Force [Expenses] *.
Second Reading—Endowed Schools Acts Amendment [187].
Committee — *Report*—Shannon Navigation (re-comm.) * [189]; Powers Law Amendment * [177]; Infanticide (re-comm.) * [200]; Mersey Channels * [199].
Report—Metropolitan Buildings and Management * [3].
Considered as amended—Sanitary Laws Amendment * [202].
Third Reading—Industrial and Reformatory Schools * [193], and passed.

WORCESTER CITY MAGISTRACY.

QUESTION.

MR. SHERRIFF asked the Secretary of State for the Home Department, Whether his attention has been directed to a Petition presented to this House on Thursday last, from the Mayor and Corporation of Worcester, which alleges that six gentlemen had recently been appointed magistrates for that city, five

of them being of Conservative and one of Liberal opinions; that there was no public necessity for their appointment inasmuch as Worcester had already one stipendiary and sixteen borough magistrates, and that no recommendation to increase the number had been made by the magistrates themselves, the town council, or any other public body, and praying for an inquiry into the circumstances? And, whether he has any objection to lay upon the Table of the House any Correspondence which may have preceded such appointments?

MR. ASSHETON CROSS, in reply, said, that since the Notice of the Question had been given, he had placed himself in communication with the Lord Chancellor, with whom, and not with the Home Office, the matter of the appointments referred to rested. He had the authority, he might add, of that noble and learned Lord to make the following statement:—That it was represented to him, and he believed it to be the case, that out of 16 magistrates for the city of Worcester seven only attended. The remaining nine either had not qualified, or were unable to attend, or did not attend. He therefore appointed six gentlemen, whom, after full inquiry, he believed to be extremely well qualified for the office. Four of them were, or had been, members of the Corporation, and two had filled the office of mayor. The corporation, and all other public bodies, and, indeed, everyone who wished to do so, were free to recommend to the Lord Chancellor anyone they desired to see appointed; but, of course, he could not undertake to submit names for the approval of any body or person whatever as a condition precedent to their appointment. He might add that, although the Lord Chancellor could not, nor was it necessary that he should, have any accurate knowledge of the political opinions of those appointed, yet he had reason to believe that of the six whom he had appointed four were Conservatives, and that with these six the acting magistrates would now be equally divided as to politics—while if all the magistrates, acting and not acting, were included, there would be a considerable majority of Liberals. There was no official Correspondence either with the Home Office or the Lord Chancellor on the subject, and any Correspondence which might have passed touch-

ing so delicate a question as the character of magistrates must be considered to be confidential.

FATAL FALL FROM A BALLOON.

QUESTION.

MR. WELBY asked the Secretary of State for the Home Department, Whether his attention has been called to the death in Chelsea, through being cut away from a balloon, of one De Groof, known as the "Flying Man;" and, whether he will take steps effectually to prevent such dangerous exhibitions for the future?

MR. ASSHETON CROSS: In answer, Sir, to the Question of my hon. Friend, I have to state that the Home Office has not been in the habit of interfering in matters of this kind, except in cases where persons have been engaged who are not able to protect themselves, as in the case of young children. I can mention one special case where the Home Office did interfere—the case of the child whom Blondin attempted to carry over the rope. But in this case, as my hon. Friend will see, the gentleman who was unfortunately killed was a person fully able to take care of himself. At the same time, I should like to have an opinion on that subject, in order to see whether something might not be done; but, at the present moment, the whole matter is under judicial investigation before the coroner, and before the inquest is finished, and a verdict given by the jury, I do not think it would be right in me to make any public statement.

EDUCATION DEPARTMENT—PRIVATE ADVENTURE SCHOOLS.

QUESTION.

MR. LOCKE asked the Vice President of the Committee of Council on Education, What instructions are given to the Officers of the School Boards with regard to private adventure schools; and, whether they have authority (as recently stated) to threaten the proprietors of such schools, and inform them that they must raise their terms, and pass an examination, or close their schools?

VISCOUNT SANDON: Sir, the Education Department does not issue instructions to officers of school boards. The

Mr. Assheton Cross

full responsibility of those instructions rests with the school boards. But with reference to the case alluded to, it should be remembered (1) that all the private adventure schools in London were examined and reported on by officers of the Education Department; (2) that the great majority of them were reported to be inefficient, either in premises or instruction, or in both; (3) that it is the duty of the school boards to see that children attend efficient elementary schools.

JURIES BILL.—QUESTION.

MR. MORGAN LLOYD asked the hon. Member for Frome, On what day he proposes to proceed with the Juries Bill; and if he has any expectation that it will pass into law this Session?

MR. LOPES, in reply, said, that having regard to the late period of the Session and the amount of business which remained to be got through, he had no hope of passing the Bill this Session. He was sure, however, that, considering the principles of it had been sanctioned by the House, the public would not be satisfied until some such measure became law.

NAVY—ADMIRAL WILMOT.

QUESTION.

MR. WHALLEY asked the First Lord of the Admiralty, Whether, having regard to the result of the inquiry into the case of the "Narcissus," it is intended to restore Admiral Wilmot to the position he held previous to the accident to Her Majesty's ship "Agincourt?"

MR. HUNT, in reply, said, he failed to see what the result of the inquiry into the case of the *Narcissus* had to do with the accident which had occurred to the *Agincourt*. He might, however, state that, in order to restore Admiral Wilmot, it would be necessary to supersede the officer on whom his command had been conferred, and that he had no intention of superseding that officer for the purpose of restoring Admiral Wilmot.

ENDOWED SCHOOLS ACTS AMENDMENT
BILL.—[BILL 187.]

(Viscount Sandon, Mr. Assheton Cross.)

SECOND READING.

Order for Second Reading read.

VISCOUNT SANDON, in moving that the Bill be now read a second time, expressed his regret that it should be brought forward at so late a period of the Session, adding that the measure had been long expected; but he would remind the House that the Endowed Schools Commission Act Amendment Bill and the Elementary Education Act Amendment Bill, both similar measures of great importance, were brought forward by the late Government last Session at a still later period, and as, by the Act of last Session, the Endowed Schools Commission and its powers, unless renewed, would altogether expire on the 31st of December in this year, the Government was obliged to bring forward a measure even at this late period: for the House would well understand that the Government could not consent to allow this great work to drop, as in common with the party with which they acted they had been most anxious for the increased usefulness and wise reform of our great educational endowments in the interests of all classes of the community. In "another place" too, a very definite notice had been given last Session that an amending Act would this year be proposed. Before he proceeded to criticize, as he was afraid he would find it to be his duty to do, the proceedings of the three distinguished individuals who constituted the Endowed Schools Commission, he wished to observe that nobody was more alive than he was to the ability, unwearied energy, and self-devotion which they had exhibited. Indeed, it would be difficult to find any three gentlemen whose personal character stood higher, and it was on their acts in their capacity as Commissioners solely that he desired to comment. He would do all in his power to rob his remarks of anything like personal blame, which he was the last person to intend, and he should therefore speak of them in the impersonal character of the Commission. It would be well to look back for a moment on some circumstances connected with the Endowed Schools Inquiry Commission of 1866, which was

presided over by Lord Taunton, and included the present Chancellor of the Exchequer and the present Secretary for Foreign Affairs. Great zeal was shown in carrying out the inquiry, and it resulted in the introduction by his right hon. Friend the Member for Bradford (Mr. Forster), as representing the late Government, of the Endowed Schools Bill of 1869. Nobody could consider the Report of the Commission, or the aims of the Bill of 1869, without feeling that a very noble object was then brought forward to the view of the country. The state of our ancient endowed schools was proved to be most unsatisfactory. Abuses abounded on all sides. Masters were receiving great emoluments, although very few students attended the schools; and in many cases the original objects of the foundations had almost disappeared. The old grammar schools, moreover, were, in fact, out of date, being unsuited to the wants of the present day. What the Commission proposed, and what the Bill to a great extent sought to carry out, was a reform of the existing abuses. It was also intended to classify the endowed schools of the country, so as to adapt them to the different classes of the population which required them; for it was found that while attention had been bestowed upon the wants of the class who availed themselves of the great public schools, and upon the wants of the class who made use of the elementary schools of the country, the great mass of the varying middle class of the people was very much left destitute of proper school accommodation. Under these circumstances it was proposed to classify the schools of the different parts of the country so as to suit, first, those of the upper middle classes who could not make use of the public schools; secondly, the shopkeeping and farming classes; and thirdly, the higher class of mechanics and artisans and the small farmers and small tradespeople of the country. Another object of the Bill was to widen and quicken the whole scheme of teaching. English literature, mathematics, science, and other similar subjects were either entirely, or to a great extent, neglected in these schools, and it was earnestly desired that the most modern appliances of education should be brought into play. Another object was to provide exhibitions in

these middle class schools from the Public Elementary Schools, which would increase the usefulness and popularity of the lower schools, and infuse a new element of life and hope into them, by affording an opportunity to children of superior talent and merit attending them of advancing to a higher position. In all this they were in fact merely carrying out, with the changes which a different age and altered circumstances required, the schemes of the great founders of these institutions, who always desired to utilize for the benefit of the commonwealth, the merit and genius of the country, in whatever rank of life they were found; and it was sad to think that those doors to advancement in life which had been opened so wide by our ancestors had been latterly, by change of circumstances, or by unintentional neglect, almost altogether closed. He now wished to refer to the words which were used on the important occasion when the Bill of 1869 was before Parliament. The right hon. Member for Bradford (Mr. W. E. Forster) said on February 18 of that year—

"So far as regarded the reorganization of the schools, they proposed that the Bill should be a temporary Bill. They asked for power for three or four years, to make fresh trust-deeds for endowed schools, which should not become law if objected to by either House of Parliament." [3 *Hansard*, cxciv. 116.]

On March 15 the same right hon. Gentleman used these memorable words—

"Now I wish to assure them (the good schools) and the House that it is not for the good schools that the Bill is framed. We cannot, of course, exempt such schools by name, for in that case there would be no end to endeavours to obtain it; but schools which are well managed need fear nothing from the operation of a Bill which is to introduce good management."—[*Ibid.*, 1362-3.]

Further on he said—

"We must be provided with power to give the schools, in many cases, fresh governing bodies." [*Ibid.*, 1367.]

and he again referred to the temporary character of the measure, using the words that it was—

"A temporary Bill for the reform and reorganization of endowed schools, and when it has been completed—in perhaps, about four or five years—we shall be in a very different position from what we are now, and we shall know what powers are necessary."—[*Ibid.*, 1372.]

He quoted those passages in order to remind hon. Members of the very mild

way in which the Bill was introduced in the House of Commons, and to prove that there was nothing to warn the country of the position the Commission afterwards assumed, or to lead the House to understand that it was intended to partake almost of the character of a permanent office. Turning to the remarks of Lord Ripon in "another place," he found the words—

"No doubt there are some schools that are working extremely well, and which could not probably be advantageously interfered with."—[3 *Hansard*, cxcvii. 608.]

And again—

"It will be the duty of the Commissioners to pay every respect to the claims of the particular localities in which these charities exist."—[*Ibid.*, 611.]

Altogether, everything which was done or said, tended to disarm the suspicion of the country, and it was disarmed. Little was it thought, and little could it have been suspected, that the measure so introduced, and passed a short time afterwards, would in its working be discovered to be of such a character as to be called, even by Lord Lyttelton, the Chairman of the Commission appointed under it, a "drastic measure." No doubt hopes were entertained in some quarters of a different nature from those expressed in this House; but nothing, or little, was said in public about these expectations. A paper had this year been issued by the Central Nonconformist Committee, in which it was asserted that—

"The Act of 1869 established the principle that the endowed schools belonged to the nation, and not to the Established Church."

He did not remember having heard this stated in the House when the Bill was introduced, nor did he believe that anybody with the responsibilities of a Member of Government would ever have assented to the principle that all the endowed schools were to belong to the nation, and not to the Established Church. On the contrary, the principle on which the Bill was founded was that the main designs of the founders should be adhered to, whatever the denomination might be; and the chief question at issue had been, what evidence should be accepted as proving the intentions of the founders. Well, the Bill was brought forward at a period of our Parliamentary history when the party to which he had the

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honour to belong was almost stunned by recent overwhelming and almost unparalleled defeat, when it was felt that many of the chief institutions of the country were endangered, and when even the House of Lords was made the subject of thinly-concealed threats from leading Members of the Liberal party then in power. The Conservatives were dazed by the prospect which lay before the country, and submitted, no doubt, to things which they would even then have struggled against, if they had not been in the first discouragement of the enormous majority against them, which destroyed; so to speak, for the first Session of the new Parliament, the nerve of the party. It was also to be borne in mind that in connection with this Bill, their feelings were worked upon by the stories of the undoubted abuses which had arisen in the administration of the school endowments, and in their anxiety to improve the wretched state of things which the Schools Inquiry Commission had revealed, they accepted with too slight an examination of what was really a most complicated subject, the scheme proposed by the Government. A general zeal to reform these abuses was awakened all over the country, and the Conservatives cordially joined in the movement. In the counties of York, Gloucester, Northampton, Leicester, and Devon, great committees were formed, composed of the leading men of all parties, who proposed well-considered general schemes for the rearrangement of all their county grammar schools. Well indeed, would it have been if those comprehensive schemes, which had been drawn up with great care, had been adopted instead of those devised by the Commission, for then those counties, at any rate, would by this time have been covered with flourishing schools; but for some cause or other, little heed was paid to the recommendations of these important committees, and the Commission proceeded chiefly according to their own views. In 1873, the four years for which the Commissioners under the Act were appointed, expired, and the right hon. Member for Bradford, quite unasked, proposed to the House that there should be a Committee of Inquiry as to the way in which they had done their work. He did so without a word of praise in regard to the conduct of the

Commission, and indeed, there was no enthusiasm shown for the Commission by any hon. Member opposite, or by anybody in the House. He would quote the names of all who spoke on the subject. The hon. Member for Southwark (Mr. Locke) said—

“People were very much dissatisfied with the body of the Commissioners; in fact, they had no confidence in them at all.”—[3 *Hansard*, ccciv. 290.]

The hon. Member for Chippenham (Mr. Goldney) spoke against them; the hon. Member for Stoke (Mr. Melly) had no word of praise to bestow; and Mr. Miall said “the Act had been spoilt in its administration.” The only word of sympathy with the labours of the Commission came from Mr. Hinde Palmer. The Commissioners had great cause to complain of the treatment they had received from their friends. In moving for the Committee, the right hon. Member for Bradford said—

“The House, before re-granting those considerable powers, would naturally expect an account of the manner in which they had been exercised.”—[*Ibid.*, 289.]

But in the Report which he (Mr. Forster) proposed to the Committee for adoption, there was no account whatever given of the manner in which they had fulfilled their duties. When the Report came to be considered, it was, however, proposed by another Member of the Committee to add the following words:—

“The published opinions of some of the Commissioners on the subject of endowments have caused alarm, and have in some cases seriously impeded the harmonious action which might otherwise have been secured between them and the Governing Bodies of the charities with which they have had to deal.”

So far the addition was accepted by all parties in the Committee over which the right hon. Member for Bradford had supreme control. It went on as follows:—

“Their own experience as they state in attempting to work the Act has convinced them that the country was hardly prepared for its reception, and it is to be regretted that some of the changes proposed by them, especially in the case of certain good schools, should have been such as to hinder the hearty co-operation of those who had heretofore worked to render them efficient.”

On a division this part was carried by 12 to 6. It was left to Mr. Powell, formerly M.P. for the West Riding of Yorkshire—whose absence from the House they all much regretted—to move that a few

words of praise of the Commissioners be added. He proposed the following passage:—

"It must, however, be acknowledged that much sound and good work has been done. Many schools which had fallen into decay have already received new life and become valuable and prosperous institutions; while the governors of other schools act with energy in the exercise of the new powers given by the schemes, and are diligently making such preparations as are necessary preliminaries to educational work on an enlarged scale. Nor are instances wanting where the governors of endowed schools, convinced that reforms are urgently required, have themselves requested the Commissioners to frame schemes at the earliest date."

This proposal being carried by 12 to 6, his hon. Friend the Member for West Kent (Mr. J. G. Talbot) proposed another addition, as follows:—

"There is reason to hope that the Commissioners, acting under more clearly defined powers, will provide the means of restoring the grammar schools to their ancient usefulness, and will thus at once carry out, in an effective manner, the real intentions of the donors, and furnish the best security for the permanence of their foundations." (Carried by 10 to 8.)

The only words of praise, therefore, came from Conservative Members, and the blame was accepted without the slightest resistance by the right hon. Gentleman (Mr. W. E. Forster). Then came the Bill of last year, following on the Report of the Committee, and introduced by the right hon. Gentleman opposite (Mr. Forster), as the organ of the Government of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone). Serious modifications were made by this Bill in the Act of 1869, thus practically acknowledging the justice of the complaints made of it; and the duration of the Commission was only extended for three years—a time obviously inadequate for the completion of the work, without any proposal for accelerating their procedure by an increased Staff—thus clearly showing a want of confidence in the Commission. On the discussion respecting this measure, some few hon. Members opposite at last came to the rescue of the Commission, though in a halting manner, and with slight approval of the Bill produced by the then Government. His hon. Friend the Member for Swansea (Mr. Dillwyn) complained that the Bill would upset a principle which his friends had fought hard to establish. The hon. Gentleman the Member for Huddersfield (Mr. Leatham),

though he thought the Commissioners were to be blamed, said—

"All the changes which the Bill makes are in a direction which is the opposite of that in which we look."—[3 *Hansard*, ccxvi. 1730.]

And the hon. and learned Member for Southwark (Mr. Locke) said, he would prefer that the Commissioners should not be heard of again. Mr. Illingworth said—

"The Bill did nothing to mitigate the injustice complained of on the part of the Dissenters," and "he preferred that the Commission should be suspended for a time, rather than that it should be continued in its present mutilated form."—[*Ibid.*, 734.]

Then, the right hon. Gentleman opposite the Member for Bradford contended that though the Commissioners did make a few mistakes, they had discharged their duty with strict impartiality. Nobody supposed they had not discharged their duty with the best intentions, according to their views. Mr. Hinde Palmer and Mr. Powell said they had committed many mistakes, but had done some good. The hon. Member for Finsbury (Mr. Torrens) said the Commissioners had usurped powers which Parliament had not given them. Then came the only direct and cordial eulogy which the Commission obtained, when Mr. A. Johnston said the work done by the Commissioners was welcome, popular, and satisfactory. He believed he had now quoted the opinions respecting the Commission of all the hon. Members who spoke last year. Then the Bill went to the House of Lords, and the duration of the Commission was limited to one year—surely, a grave expression of distrust of the Commission. No division was taken there by the Government, and the change was accepted with only one expression of regret from Lord Ripon. In the House of Commons not only did the right hon. Member for Bradford not divide the House upon the prolongation of the powers of the Commission for only one year, but he (Viscount Sandon) could not find that the right hon. Gentleman (Mr. Forster) expressed even a regret at this most serious reflection upon the mode in which the Commission had carried out the Act. He doubted not, however, that, during this evening's discussion, now that the invidious duty had fallen to the Government of allowing the Commissioners' powers to expire this

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year, and of appointing others in their stead, the right hon. Gentleman himself, and hon. Gentlemen opposite, would adopt a very different tone, and would overwhelm them with expressions of approval and proffers of service when it was too late. He (Viscount Sandon) thought he should be hardly wrong in saying that the influence of the Commission for future work, after all that had passed, was dead and gone; for a work of this kind would inevitably come to a dead-lock unless the Commission had the general support of the nation, or, at any rate, of the friends of the political party which brought it into existence; and that, he thought, he had proved it had not. It must, also, be remembered that Lord Lyttelton himself had said, in his evidence, that almost everything depended upon the co-operation of the Trustees of these schools; and had asserted, as the result of his four years' experience of the working of the Act, that it was difficult to say how long, under the provisions of this Act of 1869, schemes might not be postponed, if the Trustees opposed; and, in fact, whether they could not, if hostile, prevent reforms altogether. Now, it was well known, that it was chiefly with the charities under willing Trustees that the Commission had principally, or at any rate to a large extent, at present, dealt. Even with these, great difficulties had in many cases arisen with the Commissioners. How could it be then supposed that the Commissioners, having lost—as he feared must be acknowledged to be the case—the support of their own party as well as of the country generally, would be able to deal with the Trustees of the great majority of charities yet untouched, many of whom were either hostile, or alarmed by their doctrines? The Commission, then, had been slain partly by the open hostility of political Nonconformists, and partly by the coldness and hostility of their own political friends. They were slain by the coldness of their own familiar friend the right hon. Gentleman the Member for Bradford; but, above all, they were slain by the force of public opinion. Now, what course ought the Government to take with regard to the Commission, after it had been condemned by the opinion of the country and that of their own friends? Could the Government give life to a body which, in the opinion of its own

friends and of the country, was dead? Let them review the work done by the Commission in the last four and a-half years from its commencement, and judge from the past whether there was any hope of this great reform being carried through in reasonable time under the present organization and system. The approximate number of grammar schools which had to be dealt with under the Act of 1869 was 800, and their income was £336,000; but the schemes which had passed with reference to the management of grammar schools were only 74, and the income of the grammar schools to which those schemes referred was £44,000, leaving 726 grammar schools, the income of which was £292,000. Then, hon. Members would naturally ask, if there were not many cases in a forward state, but for which schemes had not actually been passed. There were 66 schemes—of which 26 were in the Education Department, and had been published—with a total income of £82,000. These schemes, however, had not, by any means, come to the end of their troubled career, inasmuch as many of them would, according to previous experience, be opposed by the localities interested, as soon as they were published. Giving the Commission the benefit of all these schemes, there were still 660 grammar schools, with an income of £210,000, for which no scheme had been prepared. There were 90 cases where Assistant Commissioners had reported, but hardly a fraction had any printed scheme prepared for them. Therefore, after four years' work, there remained 660 grammar schools comparatively untouched. The number of educational endowed charities, other than grammar schools, was 370, with an income of £180,000. Of these, 89 schemes had passed, with an income of £35,000, leaving 281 still without finished schemes. There were, however, 42 besides, that were published in the Education Department, representing an income of £32,000. Therefore, 239 of those endowments, with an income of £113,000, remained totally untouched. As to doles and apprentice fees, which were applicable to educational purposes under the 30th section of the Endowed School Commission Act, 1869, and the number of which was unknown, but the total income of which was £218,000, 53 schemes had passed, with an income of

£6,000, and 30 were pending, with an income of £3,400. This statement, then, showed, as far as mere figures could do, the work done during these four years by the Commission; and also the great proportion of these endowments which remained yet untouched and requiring reform. It must, also, be remembered that, as to the great bulk of the remaining cases which the Commission had power to deal with, no application had been made to them by the localities to prepare schemes, and the presumption was that the majority of the large number of remaining cases would be little inclined to welcome its interference, or to co-operate with it. The question, therefore, was, could the Commission be revived? Would the Government be justified, in view of the great public interests involved, in giving a fresh lease of life to the present Commission? Could they restore to the Commission the confidence of the country? Surely, it was utterly hopeless to expect that the Commission could deal with the cases that remained to be disposed of, if they had not the confidence of the country, and not even of their own friends. At the rate at which the Commission had proceeded with reference to the institutions which they were authorized to deal with, 20 or 25 years would be required by them to deal with those that remained. He believed hon. Gentlemen on both sides of the House would admit that nothing would be more disastrous than such a state of things as that—namely, that this great work should be spread over a large number of years, so that it should take nearly the life of a generation to reform and restore these schools of the middle classes, while the education of those classes concerned with the Public Elementary Schools was being urged forward with all speed. Various plans had been proposed for carrying on the work, supposing the Endowed Schools Commission was allowed to expire, as it would by the Act of last year, in December 1874; but for various reasons they were inadmissible. It had, however, been suggested, in quarters deserving all respect, that the work of the Commission should be transferred to the Education Department; but everybody who had inquired into the working of that Department must know it would be impossible for the Lord President and himself

to undertake the constant supervision of all these schemes which were absolutely necessary. The trustees in every scheme almost always desired interviews with the Commissioners. In the same way the trustees of these 500 or more grammar schools would require to hold interviews during the next five years with the Lord President and himself. Besides, all the difficulties of the ecclesiastical side of the question would be introduced into the Education Department. The labour of the Department would thus be enormously increased, and it would be impossible to carry out the work of elementary education, which already required the full attention of the Lord President and himself. Again, there would be lost that invaluable power of revision to which his right hon. Friend opposite attached great importance when he was at the head of the Education Department last year. Certainly it was of great importance to have a Court of Revision to which parties might appeal in order to avoid the long delay caused by laying a scheme for two months on the Table of the House. Well, the only proposal apparently worthy of consideration which remained was to transfer the powers of the Endowed Schools Commission to the Charity Commissioners. There was a great deal to be said in favour of this plan. In the first place, one great point in favour of the proposal was, that the Schools Inquiry Commission had recommended that this very work should be intrusted to the Charity Commissioners, and hon. Members would undoubtedly attach great weight to the recommendations of so distinguished a body. Again, he could not forget that his right hon. Friend opposite had spoken in high terms of praise of the Charity Commissioners. The right hon. Gentleman remarked that they had exercised their power with the greatest conscientiousness and care, and indeed, they had given satisfaction in all parts of the country by the way in which they had performed their difficult and delicate task. The Charity Commissioners were gentlemen of great experience and judgment, and of known moderation. Another point in favour of this plan was that, under the Endowed Schools Act itself, as it now stood, the Charity Commissioners had to make any alterations which were required in the final schemes passed by

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the Endowed Schools Commission, after they had received the Royal Assent, and that they had been largely engaged in the exercise of that power. In all new schemes a provision was inserted that such alterations as were needed should be made by the Charity Commissioners, and surely the experience thus acquired would give them an advantage in framing original schemes; and it was needless to observe that much delay and vexation would be avoided by combining these two Commissions, and getting rid of their somewhat jarring and uncertain jurisdiction. Besides, Her Majesty's Government thought the appointment of the Charity Commissioners would be very acceptable to a large body of the Nonconformists, on account of the large use they had made of the ordinary powers with which they had been for some years intrusted. He held in his hands a Return of all the orders made by the Charity Commissioners during the last 10 years with regard to schemes for endowments, alterations of trustees, &c., of Nonconformist bodies. During that period no fewer than 854 of such schemes had passed through the Commission. Moreover, the Nonconformists manifested a growing confidence in the Charity Commissioners, for whereas between April and December, 1873, 87 schemes had been submitted to them by Nonconformist bodies, in the early months of this year 60 schemes had already been presented. He had also heard from many quarters statements to the same effect, and he must say that in any matter connected with this Act, although some parts of the treatment of it by the present Government, in the Bill before the House, might not be acceptable to his Nonconformist friends, yet it would always be a great consideration with him to do all he possibly could to consult their feelings and to fulfil their just wishes. The Government, therefore, believed that for these reasons the most advantageous course, with a view to the success of the work, would be to transfer the powers of the Endowed Schools Commission to the Charity Commission. He would now proceed to explain the arrangements consequent upon the change. One Charity Commissioner's place was now vacant, and it was proposed at once to fill it up. It was also intended to add two fresh members for five years.

It was also hoped that the staff of the Endowed School Commissioners would give their valuable aid to the Charity Commissioners. Nobody could speak too highly of the talent and zeal of the Assistant Commissioners, and he only wished more licence had been left to those gentlemen to work out the schemes themselves, and that less of the work had been concentrated in the three Head Commissioners. The original scheme of the Commissioners had been to divide the country into certain districts and to assign to particular counties certain Assistant Commissioners; but in point of fact very few counties had been assigned in this way. In the opinion of the Government, a great ultimate saving to the country would be effected, and the work of bringing these reforms to a successful termination as soon as possible might be accomplished, if as many Assistant Commissioners were appointed for five years as would allow of the whole country being mapped out, so that the work might be going on at the same time all over the land. The Government had reason to believe that if they acted in this way, with a vigorous Commission guided by the experience of the distinguished Gentleman who now presided over the Charity Commission, they might look confidently forward to bringing the matter to an end in five years. With regard to the changes in the Act, there were two questions which happily were no longer matters of dispute, because their principles had been entirely settled by the Act of 1869, which was passed under the guidance and by the direction of hon. Gentlemen opposite. The first matter which might be put aside as having been settled was, that we should not act by the founder's wishes beyond the limit of 50 years after his death. This was put out of dispute by the Act of 1869. Again, there was another question which had been removed out of the field of discussion—namely, the opinion of some hon. Gentlemen that we ought to disallow the founders' wishes with regard to Church schools if made prior to the Toleration Act. This was put out of the field of discussion by the 19th clause of the Act introduced by his right hon. Friend opposite, which provided that the founder's wishes, when clearly and unmistakeably proved, should hold good as to the maintenance of the deno-

minational character of the school, even where the endowment was made before the Toleration Act, and at however early a period of our history. No one, of course, could be unaware that some persons held that a founder's wishes should only hold good for 50 years after his death, and that others, not holding this extreme view, were of opinion that Church School Endowments made before the Toleration Act belonged not specially to the Church, but to all religious communions alike. These were two views with respect to which some hon. Members of the Liberal party had felt keenly, but they were, on the present occasion, out of the field of argument; the former Government, and hon. Gentlemen opposite, having by their Acts of Parliament in 1869, and again in 1873, committed themselves against them, inasmuch as it was determined by an Act passed when the Liberal party had a majority of 120 in the House of Commons that those views should not be adopted. Consequently the changes now proposed by the Government did not affect the principles of the Acts as laid down and passed by the previous Government, but were only questions of degree. What, then, were the changes proposed to be introduced into the Act? The Government had thought it proper to recite once more in the Preamble of the Bill what were the main intentions of the founders, which both parties were agreed to stand by. There was hardly an ancient foundation, as was stated by Dr. Temple, the Bishop of Exeter, in his evidence, which was not expressly intended, as was shown by their trust deeds, to bring up children to do good service to God in Church and State. The Government thought that desire especially ought to be respected in the changes which were made in these schools, and therefore proposed to recite in the Preamble—though the term, a liberal education, was admitted necessarily to include the teaching of religion—their distinct desire to give not merely a liberal but a religious education; so as to place the intention of the country beyond dispute. Then with regard to the famous Clause 19. That clause provided that cases of undoubted denominational endowment should be exempted from the operation of Clauses 16, 17, and 18. The 16th clause was of no

importance, but the 17th provided that it should be inserted in the new trust deeds that no one should be disqualified from being on the Governing Body on account of his religious opinions, and no man should be disqualified from being a master on account of his not being in Holy Orders. Her Majesty's Government did not propose, any more than the right hon. Gentleman opposite, that the members of the Governing Bodies or the master should necessarily be of a particular creed, but only that, wherever the intentions of the founder as to the denominational character of the school could be really ascertained, they ought to fairly follow out the intentions of the founder, by preserving generally that denominational character. That was the change which Her Majesty's Government proposed. They believed that great, though, to a large extent, unintentional, injustice had been inflicted by the extraordinary wording and operation of Clause 19, and also by the interpretation put upon it. Nor were they at all peculiar in thinking so. Mr. Roby, the second Endowed Schools Commissioner, an unimpeachable witness, said—

"I think Clause 19 leaves out an immense number of endowments, which, according to any ordinary rules, must be considered to belong to the Church of England, and it is rather an awkward clause to work."

And, again, Lord Lyttelton said—

"I conceive this section to be untenable as it stands, on any ground of sound reason. Previous authorities spoke *a priori*, but with none of the actual experience we have had in abundance. Being bound to construe Section 19 strictly, the result has been nothing less than an absurdity. We have continually been led to apply the section to founder A because he happened to use words plainly within its term, and to refuse to do so in the case of founder B because he did not happen to do so; while all the time no human being could doubt that A and B meant the same thing."

And Lord Lyttelton went on to say—

"It seems to me that one of two things ought to be done; either the will of the founder and its observance must be respected by us, without our being tied down to such minute precision as is now to be found in the section; either we must be allowed to revert to the ancient practice of Chancery, and satisfy ourselves by the best evidence we can find as to what the founder really wished and meant, or we must be directed to extend the preamble of the Act to all cases whatsoever, . . . and practically subject to a limit of time to interpret the wills of the founders, as intending simply the general extension of a liberal education. My conviction is in favour of the latter view."

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But Her Majesty's late Government, in the plenitude of their power and with a triumphant majority of 120 at their back, had declined to adopt in their legislation the latter view, of which Lord Lyttelton had so frankly declared himself in favour. Further, Lord Lyttelton said in July, 1873, when the new Act was before the House of Lords—

"If Parliament should choose to lay down anything intelligible and specific for the purpose of defining what schools were Church schools, for the guidance of the Commissioners, he believed they would have no objection to act on it; but without some such further definition he did not know what a Church school was." [3 *Hansard* ccxvii. 1317.]

showing, that even by the Act of last Session, the absurdity of Clause 19, and its unjust working were not his opinion removed. Canon Robinson, the third Endowed Schools Commissioner, also, in his valuable Paper in the Appendix to the Report of the Select Committee of last year, said—

"The illustrations which have been given are enough to show that the operation of Section 19 is, as has been intimated, arbitrary and inconsistent; recognizing, indeed, the principle of a distinction between denominational and undenominational schools, but hardly giving effect to it in an adequate or satisfactory way."

The extracts he had quoted showed that the Commissioners complained bitterly of the action of the 19th clause, and united in considering it a practical absurdity. To quote many cases of the hardship which had arisen from the operation of this clause would weary the House; but hon. Members were probably aware that there were hundreds of schools founded by distinguished ecclesiastics and others who enjoined that the children should go to church, or that the statutes should be altered only by the Bishop or some Church authority, in which such regulations had been considered insufficient to preserve that Church character of the schools, which they had maintained for centuries. Her Majesty's Government, therefore, proposed to take any evidence which would fairly show what the mind of the founder was, and to act upon it. If they found, for instance, that the attendance of the scholars at the worship of a particular church was enjoined, that the master, the Governing Body, or the majority of the electors should belong to a particular denomination, they would hold all that as good evidence of the intention

of the founder as to the character of the school. The next change was, when the intentions of the founder had been ascertained, to make provision, independently of the fluctuating opinions of the new Governing Body, that the teaching of the school should be in accordance with the will of the founder. Everything seemed to be in favour of taking such a course, once Parliament had committed itself to the principle that the founder's wishes were to be carried out. Then he came to the question of certain schools where we had no documents to show what the intentions of the founders were. Proposals had been made from various quarters that 25 years' usage of a particular kind of teaching should be held to fix the character of the school; but the Government had thought it right to propose that a user of 100 years should fix the character of the teaching of the school—not for all the children, but for the children who belonged to the particular denomination. He believed this provision would remove a vast amount of heart-burning which he found on inquiry had been produced, and would give great contentment in the country generally. The Government had thought it right to re-enact the Conscience Clause for all the endowed day schools. All those schools would be open to all the inhabitants of the localities in which they were placed, and they might withdraw their children freely from the religious teaching and observances. The Government had gone further in this respect than the original Act, for they proposed that the Conscience Clause should attach to all the endowed elementary schools affected by this Act. They considered that the principle of a Conscience Clause had been adopted once for all for the educational endowments of the country. These were the changes which Her Majesty's Government proposed, and they might thus be summed up. In the first place, Her Majesty's Government was of opinion that, as far as their power of carrying out in the future the needful reforms was concerned, the Commission was dead. Nobody, he thought, on consideration, could deny it or assert that it was possible, after all that had passed, to recall it to life. In the treatment of the endowed schools' question it could not be denied that there were certain marked points of difference between the two

£6,000, and 30 were pending, with an income of £3,400. This statement, then, showed, as far as mere figures could do, the work done during these four years by the Commission; and also the great proportion of these endowments which remained yet untouched and requiring reform. It must, also, be remembered that, as to the great bulk of the remaining cases which the Commission had power to deal with, no application had been made to them by the localities to prepare schemes, and the presumption was that the majority of the large number of remaining cases would be little inclined to welcome its interference, or to co-operate with it. The question, therefore, was, could the Commission be revived? Would the Government be justified, in view of the great public interests involved, in giving a fresh lease of life to the present Commission? Could they restore to the Commission the confidence of the country? Surely, it was utterly hopeless to expect that the Commission could deal with the cases that remained to be disposed of, if they had not the confidence of the country, and not even of their own friends. At the rate at which the Commission had proceeded with reference to the institutions which they were authorized to deal with, 20 or 25 years would be required by them to deal with those that remained. He believed hon. Gentlemen on both sides of the House would admit that nothing would be more disastrous than such a state of things as that—namely, that this great work should be spread over a large number of years, so that it should take nearly the life of a generation to reform and restore these schools of the middle classes, while the education of those classes concerned with the Public Elementary Schools was being urged forward with all speed. Various plans had been proposed for carrying on the work, supposing the Endowed Schools Commission was allowed to expire, as it would by the Act of last year, in December 1874; but for various reasons they were inadmissible. It had, however, been suggested, in quarters deserving all respect, that the work of the Commission should be transferred to the Education Department; but everybody who had inquired into the working of that Department must know it would be impossible for the Lord President and himself

to undertake the constant supervision of all these schemes which were absolutely necessary. The trustees in every scheme almost always desired interviews with the Commissioners. In the same way the trustees of these 500 or more grammar schools would require to hold interviews during the next five years with the Lord President and himself. Besides, all the difficulties of the ecclesiastical side of the question would be introduced into the Education Department. The labour of the Department would thus be enormously increased, and it would be impossible to carry out the work of elementary education, which already required the full attention of the Lord President and himself. Again, there would be lost that invaluable power of revision to which his right hon. Friend opposite attached great importance when he was at the head of the Education Department last year. Certainly it was of great importance to have a Court of Revision to which parties might appeal in order to avoid the long delay caused by laying a scheme for two months on the Table of the House. Well, the only proposal apparently worthy of consideration which remained was to transfer the powers of the Endowed Schools Commission to the Charity Commissioners. There was a great deal to be said in favour of this plan. In the first place, one great point in favour of the proposal was, that the Schools Inquiry Commission had recommended that this very work should be intrusted to the Charity Commissioners, and hon. Members would undoubtedly attach great weight to the recommendations of so distinguished a body. Again, he could not forget that his right hon. Friend opposite had spoken in high terms of praise of the Charity Commissioners. The right hon. Gentleman remarked that they had exercised their power with the greatest conscientiousness and care, and indeed, they had given satisfaction in all parts of the country by the way in which they had performed their difficult and delicate task. The Charity Commissioners were gentlemen of great experience and judgment, and of known moderation. Another point in favour of this plan was that, under the Endowed Schools Act itself, as it now stood, the Charity Commissioners had to make any alterations which were required in the final schemes passed by

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the Endowed Schools Commission, after they had received the Royal Assent, and that they had been largely engaged in the exercise of that power. In all new schemes a provision was inserted that such alterations as were needed should be made by the Charity Commissioners, and surely the experience thus acquired would give them an advantage in framing original schemes; and it was needless to observe that much delay and vexation would be avoided by combining these two Commissions, and getting rid of their somewhat jarring and uncertain jurisdiction. Besides, Her Majesty's Government thought the appointment of the Charity Commissioners would be very acceptable to a large body of the Nonconformists, on account of the large use they had made of the ordinary powers with which they had been for some years intrusted. He held in his hands a Return of all the orders made by the Charity Commissioners during the last 10 years with regard to schemes for endowments, alterations of trustees, &c., of Nonconformist bodies. During that period no fewer than 854 of such schemes had passed through the Commission. Moreover, the Nonconformists manifested a growing confidence in the Charity Commissioners, for whereas between April and December, 1873, 87 schemes had been submitted to them by Nonconformist bodies, in the early months of this year 60 schemes had already been presented. He had also heard from many quarters statements to the same effect, and he must say that in any matter connected with this Act, although some parts of the treatment of it by the present Government, in the Bill before the House, might not be acceptable to his Nonconformist friends, yet it would always be a great consideration with him to do all he possibly could to consult their feelings and to fulfil their just wishes. The Government, therefore, believed that for these reasons the most advantageous course, with a view to the success of the work, would be to transfer the powers of the Endowed Schools Commission to the Charity Commission. He would now proceed to explain the arrangements consequent upon the change. One Charity Commissioner's place was now vacant, and it was proposed at once to fill it up. It was also intended to add two fresh members for five years.

It was also hoped that the staff of the Endowed School Commissioners would give their valuable aid to the Charity Commissioners. Nobody could speak too highly of the talent and zeal of the Assistant Commissioners, and he only wished more licence had been left to those gentlemen to work out the schemes themselves, and that less of the work had been concentrated in the three Head Commissioners. The original scheme of the Commissioners had been to divide the country into certain districts and to assign to particular counties certain Assistant Commissioners; but in point of fact very few counties had been assigned in this way. In the opinion of the Government, a great ultimate saving to the country would be effected, and the work of bringing these reforms to a successful termination as soon as possible might be accomplished, if as many Assistant Commissioners were appointed for five years as would allow of the whole country being mapped out, so that the work might be going on at the same time all over the land. The Government had reason to believe that if they acted in this way, with a vigorous Commission guided by the experience of the distinguished Gentleman who now presided over the Charity Commission, they might look confidently forward to bringing the matter to an end in five years. With regard to the changes in the Act, there were two questions which happily were no longer matters of dispute, because their principles had been entirely settled by the Act of 1869, which was passed under the guidance and by the direction of hon. Gentlemen opposite. The first matter which might be put aside as having been settled was, that we should not act by the founder's wishes beyond the limit of 50 years after his death. This was put out of dispute by the Act of 1869. Again, there was another question which had been removed out of the field of discussion—namely, the opinion of some hon. Gentlemen that we ought to disallow the founders' wishes with regard to Church schools if made prior to the Toleration Act. This was put out of the field of discussion by the 19th clause of the Act introduced by his right hon. Friend opposite, which provided that the founder's wishes, when clearly and unmistakeably proved, should hold good as to the maintenance of the deno-

minational character of the school, even where the endowment was made before the Toleration Act, and at however early a period of our history. No one, of course, could be unaware that some persons held that a founder's wishes should only hold good for 50 years after his death, and that others, not holding this extreme view, were of opinion that Church School Endowments made before the Toleration Act belonged not specially to the Church, but to all religious communions alike. These were two views with respect to which some hon. Members of the Liberal party had felt keenly, but they were, on the present occasion, out of the field of argument; the former Government, and hon. Gentlemen opposite, having by their Acts of Parliament in 1869, and again in 1873, committed themselves against them, inasmuch as it was determined by an Act passed when the Liberal party had a majority of 120 in the House of Commons that those views should not be adopted. Consequently the changes now proposed by the Government did not affect the principles of the Acts as laid down and passed by the previous Government, but were only questions of degree. What, then, were the changes proposed to be introduced into the Act? The Government had thought it proper to recite once more in the Preamble of the Bill what were the main intentions of the founders, which both parties were agreed to stand by. There was hardly an ancient foundation, as was stated by Dr. Temple, the Bishop of Exeter, in his evidence, which was not expressly intended, as was shown by their trust deeds, to bring up children to do good service to God in Church and State. The Government thought that desire especially ought to be respected in the changes which were made in these schools, and therefore proposed to recite in the Preamble—though the term, a liberal education, was admitted necessarily to include the teaching of religion—their distinct desire to give not merely a liberal but a religious education; so as to place the intention of the country beyond dispute. Then with regard to the famous Clause 19. That clause provided that cases of undoubted denominational endowment should be exempted from the operation of Clauses 16, 17, and 18. The 16th clause was of no

importance, but the 17th provided that it should be inserted in the new trust deeds that no one should be disqualified from being on the Governing Body on account of his religious opinions, and no man should be disqualified from being a master on account of his not being in Holy Orders. Her Majesty's Government did not propose, any more than the right hon. Gentleman opposite, that the members of the Governing Bodies or the master should necessarily be of a particular creed, but only that, wherever the intentions of the founder as to the denominational character of the school could be really ascertained, they ought to fairly follow out the intentions of the founder, by preserving generally that denominational character. That was the change which Her Majesty's Government proposed. They believed that great, though, to a large extent, unintentional, injustice had been inflicted by the extraordinary wording and operation of Clause 19, and also by the interpretation put upon it. Nor were they at all peculiar in thinking so. Mr. Roby, the second Endowed Schools Commissioner, an unimpeachable witness, said—

"I think Clause 19 leaves out an immense number of endowments, which, according to any ordinary rules, must be considered to belong to the Church of England, and it is rather an awkward clause to work."

And, again, Lord Lyttelton said—

"I conceive this section to be untenable as it stands, on any ground of sound reason. Previous authorities spoke *a priori*, but with none of the actual experience we have had in abundance. Being bound to construe Section 19 strictly, the result has been nothing less than an absurdity. We have continually been led to apply the section to founder A because he happened to use words plainly within its term, and to refuse to do so in the case of founder B because he did not happen to do so; while all the time a human being could doubt that A and B meant the same thing."

And Lord Lyttelton went on to say—

"It seems to me that one of two things ought to be done; either the will of the founder and its observance must be respected by us, without our being tied down to such minute precision as is now to be found in the section; either we must be allowed to revert to the ancient practice of Chancery, and satisfy ourselves by the best evidence we can find as to what the founder really wished and meant, or we must be directed to extend the preamble of the Act to all cases whatsoever, . . . and practically subject to a limit of time to interpret the wills of the founders, as intending simply the general extension of a liberal education. My conviction is in favour of the latter view."

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But Her Majesty's late Government, in the plenitude of their power and with a triumphant majority of 120 at their back, had declined to adopt in their legislation the latter view, of which Lord Lyttelton had so frankly declared himself in favour. Further, Lord Lyttelton said in July, 1873, when the new Act was before the House of Lords—

"If Parliament should choose to lay down anything intelligible and specific for the purpose of defining what schools were Church schools, for the guidance of the Commissioners, he believed they would have no objection to act on it; but without some such further definition he did not know what a Church school was." [3 *Hansard* ccxvii. 1317.]

showing, that even by the Act of last Session, the absurdity of Clause 19, and its unjust working were not his opinion removed. Canon Robinson, the third Endowed Schools Commissioner, also, in his valuable Paper in the Appendix to the Report of the Select Committee of last year, said—

"The illustrations which have been given are enough to show that the operation of Section 19 is, as has been intimated, arbitrary and inconsistent; recognizing, indeed, the principle of a distinction between denominational and undenominational schools, but hardly giving effect to it in an adequate or satisfactory way."

The extracts he had quoted showed that the Commissioners complained bitterly of the action of the 19th clause, and united in considering it a practical absurdity. To quote many cases of the hardship which had arisen from the operation of this clause would weary the House; but hon. Members were probably aware that there were hundreds of schools founded by distinguished ecclesiastics and others who enjoined that the children should go to church, or that the statutes should be altered only by the Bishop or some Church authority, in which such regulations had been considered insufficient to preserve that Church character of the schools, which they had maintained for centuries. Her Majesty's Government, therefore, proposed to take any evidence which would fairly show what the mind of the founder was, and to act upon it. If they found, for instance, that the attendance of the scholars at the worship of a particular church was enjoined, that the master, the Governing Body, or the majority of the electors should belong to a particular denomination, they would hold all that as good evidence of the intention

of the founder as to the character of the school. The next change was, when the intentions of the founder had been ascertained, to make provision, independently of the fluctuating opinions of the new Governing Body, that the teaching of the school should be in accordance with the will of the founder. Everything seemed to be in favour of taking such a course, once Parliament had committed itself to the principle that the founder's wishes were to be carried out. Then he came to the question of certain schools where we had no documents to show what the intentions of the founders were. Proposals had been made from various quarters that 25 years' usage of a particular kind of teaching should be held to fix the character of the school; but the Government had thought it right to propose that a user of 100 years should fix the character of the teaching of the school—not for all the children, but for the children who belonged to the particular denomination. He believed this provision would remove a vast amount of heart-burning which he found on inquiry had been produced, and would give great contentment in the country generally. The Government had thought it right to re-enact the Conscience Clause for all the endowed day schools. All those schools would be open to all the inhabitants of the localities in which they were placed, and they might withdraw their children freely from the religious teaching and observances. The Government had gone further in this respect than the original Act, for they proposed that the Conscience Clause should attach to all the endowed elementary schools affected by this Act. They considered that the principle of a Conscience Clause had been adopted once for all for the educational endowments of the country. These were the changes which Her Majesty's Government proposed, and they might thus be summed up. In the first place, Her Majesty's Government was of opinion that, as far as their power of carrying out in the future the needful reforms was concerned, the Commission was dead. Nobody, he thought, on consideration, could deny it or assert that it was possible, after all that had passed, to recall it to life. In the treatment of the endowed schools' question it could not be denied that there were certain marked points of difference between the two

denomination. It was quite true that in the working of the Act it had been discovered that certain schools, especially those of late foundations, were evidently intended to be denominational, but to which the terms of the clause did not legally apply, because the children were not ordered to be taught particular doctrines. The Select Committee of last year had that fact brought before them, and a clause was introduced explaining Section 19. That explanation, which was passed by the Committee and which received the assent of the House, set forth that if the majority of the Governing Body of a school, or the principal teachers of the school, or the scholars educated by the endowment were required to be members of a particular church, sect, or denomination, then it should be supposed to be a denominational school. But then came in the limitation since the Toleration Act. And now the House had to deal with the change proposed by his noble Friend, which was that the section was to be repealed, and in place of it Section 4 of the present Bill introduced, which first gave the same explanation as was given by the Bill of last year, adding two extensions of the original clause, both of which were very important. The first was that a school was to be made denominational if the scholars were required to go to any particular church, sect or denomination, and if it was also provided that the regulations by which the school was to be governed should be approved or submitted to one of the officers of that church. Further, instead of those provisions taking date from the Toleration Act, they were to take date from the earliest period of history at which endowments would be found. Now, he would tell the Committee what would be the result of the proposed changes. No time in our history had been more fertile in foundations than the reign of Edward VI., from which period we derived some of our best schools. Now, any of those schools in which it happened that the original statute required that children should go to church, or a Bishop's name was mentioned in any way, would become schools under the exclusive management of the Church, so long as his noble Friend could keep his clause in operation. Now, he should like the House to understand to what an extent that might be carried. There

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were 782 grammar schools in the country, of which number 584 were founded before the passing of the Toleration Act. The present Bill would consequently apply to those 584 schools—of which 35 were pre-Reformation schools founded before the time of Henry VIII.—had it not been the case that 61 of them had had already schemes which had been passed into law. Indeed, he was by no means sure whether, under the wording of the Bill, those schemes which had become law would be safe from its operation. If not, a strong hint would be given to the new Commissioners to introduce fresh schemes, so as to bring about the exclusion of Dissenters from schools which they now possessed. He would remind the Roman Catholic Members that there were in England many of their co-religionists who were deeply interested in the subject. One of the principal schools in the country was the Manchester School. It was one of the eight schools which had been picked out by the School Inquiry Commission for a special Report. That school was founded before the Reformation, and its statutes distinctly ordered that the children should every Wednesday and Friday for ever go two and two together accompanied by the head master, and say the Common Litany and *De profundis* for the souls of the founders dead as well as of those who were still living, after their decease. Now, he had no doubt that the result of that statute, if his noble Friend carried out the spirit of his Bill, would be, that Roman Catholics would in future be excluded from sitting on the Governing Body of the Manchester School, which was rather unfair, he thought, seeing that the Church which the children were directed to attend was the Roman Catholic Church. The objection was met, he was aware, by the argument that the Church of England was the heir of that Church since the Reformation; but if the question of heirship was raised, he had no doubt that there would be many persons feeling deeply on the question who would reply that the Non-conformists of the present day were as much as the members of the Church of England joint heirs of the common Protestantism of the reign of Edward VI. He would ask the House to consider whether, if because for years before the Toleration Act, before Dissenters could exist in the country or any endowments

could be made to Dissenting schools, at a time when there was no Puritan secession, long before the Act of Uniformity—men founding schools naturally provided that a religious education should be given to the children, and that they should go to church, whether the Church of England was therefore entitled to say that those schools were to be denominational schools for ever, and that she had a right to have the exclusive control over them? He thought it would be hard for the friends of the Established Church to assert any claim more likely to be prejudicial to her true interests. Forty-four of the schools to which he was referring were, he might add, established during the Commonwealth, when Independents and Presbyterians had possession of many of the churches. He would now refer to another special regulation, the history of which seemed to him to be rather remarkable. His right hon. Friend the Secretary for War was on the Committee of last year, and brought forward an Amendment which covered the requirement of children going to church, but he said nothing about the regulation which related to approval by an ecclesiastical officer. The first suggestion of that kind had been made by the right hon. Gentleman's Colleague the Marquess of Salisbury, in the other House in connection with the scheme of the Endowed School Commissioners with regard to the Birmingham School. That scheme was opposed by the Governing Body on the ground that religious interests had not been sufficiently considered; but it had never occurred to any one to allude to the mention of the Bishop in the original statute. It was first mentioned by Lord Salisbury, and the words in the statute on the subject were—

"and that they, the Governors, with the advice of the Bishop of the diocese there for the time being, and from time to time, may make and have power to make fit and wholesome statutes and ordinances concerning and touching the order, government, and direction of the pedagogue and sub-pedagogue and scholars of the aforesaid school for the time being."

That was in 1552; and what was there more natural than that any citizen of that day should express a desire that the statute should be submitted to the Bishop whose advice was to be taken as a man of learning and culture? Did it, however, follow from that that the school was to be from all time

under the exclusive control of the Church; and that, as the Commissioners stated, such a stigma should rest on the inhabitants of Birmingham as to say that they were not capable of taking part in the government of the school? He wanted to know where the thing was to end? Surely his noble Friend was not going to stop where they now found themselves? Every argument which had been adduced in favour of the change made as to Section 19 of the Act of 1869, could be adduced with greater force for the repeal of the University Tests Act. What did the House of Commons do, and what did the House of Lords assent to? That the Governing Bodies should be open to Dissenters as well as Churchmen. If the new principle was to be carried out logically, we must have a repeal of the University Tests Act. There was a Conscience Clause in the Endowed Schools Act, but the Bill did not adopt the whole of it. It adopted the part relating to exemption from religious observance, but not the part relating to lessons in which religious instruction might be conveyed indirectly—teaching against which the part was given as a remedy. Therefore, the Bill would afford no security against the systematic teaching of religious doctrine in a lesson ostensibly devoted to a secular subject. He did not quite understand Clause 5 as explained by the marginal note. That note spoke of religious instruction and the qualification of masters. There was nothing about masters in the clause; but if the note extended its meaning, it seemed to him to be dangerous. The clause said that scholars were to be instructed in the formularies and doctrines of the Church to which the school was supposed to belong, and if that affected the qualifications of the masters it meant, that in the scheme there was to be an attempt to define their religious opinions, which, from an educational point of view, was a needless and dangerous provision. He did not object to the principle of the 6th clause, which provided for the continuance of religious instruction that had been given for 100 years, but it would have been far better to have left the object to be attained by the Governors themselves. If the Church was in a majority, the Church character of a school would, no doubt, be maintained;

but it would be a great disadvantage to all concerned—to Nonconformists, to Churchmen, to parents, and to religious education itself—if a scheme must necessarily provide for dogmatic instruction for a Church of England minority in places where, as in some parts of Wales, the Nonconformists were a preponderating majority. Either the majority must go without religious instruction, or there must be two sets of instructors. It would be better to leave the matter to the common sense of the Governors, who would arrange for Scriptural, without Church of England teaching. In these remarks he trusted he had shown that the policy of the noble Lord in regard to this Bill was, as he had stated at the outset, re-actionary and unfair. But the Government might say—"You are over-rating the change—you are over-rating the consequence. How do you know that the Commissioners will in all cases carry out the Act, and always exclude the Dissenting population from the government of these schools?" Well, he must say that the remarks of the noble Lord with regard to the present Commissioners and his plan with regard to the future did not inspire him with much hope as to the result. The noble Lord had made a strong attack on Lord Lyttelton and his Colleagues. The Education Department had to work in connection with these Gentlemen, and the noble Lord, even in the brief period he had been in office, must have had sufficient personal experience to know whether the charges against them were true or otherwise. The noble Lord, however, had said nothing of his own knowledge to show their incapacity. The noble Lord had tried to bring him (Mr. Forster) in as an accomplice, saying that in the Committee he had supreme control. The fact was that on that Committee the Chairman had no control. What was its composition? There were eight Members, chosen from each side of the House, and he, as Chairman, had the casting vote, but two Members were added afterwards, one from the Conservative benches, and the other Mr. Alderman Lawrence, who certainly was no friend of the Act. True, he did not himself bring forward many propositions; he was careful what propositions he brought forward; and as to what he had said in the debate in this House, the noble Lord

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was so sensible of the unpleasantness of making out his case that he stopped short of three lines in which he had expressed his great regret that the hon. Member for Knaresborough (Mr. Illingworth) had accused the Commission of gross partiality, because he maintained the Commission had discharged their duty with strict impartiality. This was an illustration of the manner in which the noble Lord had got up his case. As to what the Commission had done, the House of last Session and the House of this owed much to them for having undertaken such duties. It was one thing to pass a Bill approving a reform; it was another to intrust it to gentlemen to carry out the reform. Everybody on both sides of the House was in favour of the general measure of reform; but when you came to particular cases, there were local objections to the application of general principles. The noble Lord said the Commission was dead, and he should think it was dead with a President and a Vice President who talked about it in the spirit the noble Lord did, and who had maintained that spirit towards it during the last few months. He did not mean to say that in every case the Commissioners had acted with as much wisdom as, with their present experience, they might have acted; but the charge against them was very much one of words—words spoken by a gentleman of great ability, who had served his country in India, and answers given during a long cross-examination by Mr. Roby, one of the ablest and sincerest men he ever came in contact with. His private opinions were frankly stated, and they were then industriously circulated throughout the country as the opinions of the Commissioners, which would guide them in all their acts. It had been stated over and over again that Parliament had had no opportunity of considering their schemes, and that a few Conservative Peers had secured such opportunity in one or two cases; but what was the fact? Why, 200 schemes had lain for 40 days on the Tables of both Houses, and only 10 were challenged and eight rejected in the Upper, and only two in that House, and they were both maintained. The noble Lord had given the House the impression that all the managers were opposed to the action of the Commissioners, and that it was impossible for them to go on

working together. But what were the facts? There had been friendly negotiation and co-operation with the Commissioners in the large majority of districts with which they had had to deal, as in Yorkshire, Lancashire, in Birmingham, and elsewhere. At Chester, the Ecclesiastical Commissioners gave £5,000 to the new endowment: and many other similar instances might be mentioned. As to his own district (Bradford), he was able to say that nothing could have been worse than the condition of the endowed schools there before the work of the Commission began, and that nothing could be better than their condition now. The noble Lord seemed rather to laugh at the idea of Mr. Powell speaking approvingly of the Commission; but Mr. Powell could not, as an honest man, standing before his constituents as a Member for the West Riding, have done otherwise, for it was an acknowledged fact throughout the district that the Commission had done immense service, and that great reforms had been accomplished. The same might be said of Warwickshire and Staffordshire. The difficulties of the Commission had arisen in a great measure from the fact that it had ventured to attack the City of London. Yet even there it had met with some success, for it had received the heartiest co-operation from several of the largest and wealthiest of the corporations, including the Grocers', Haberdashers', Brewers', and Merchant Taylors'. The noble Lord had repeated certain words of his (Mr. Forster's) which had been oftener quoted than any others he had ever used, and appeared to think that a great deal of the failure of the Commission was due to its having been abetted by Lord Ripon and himself in departing from the assurance which had been given to the effect that no good school need fear the operation of the measure of 1869. He was ready to affirm these words, but he had not meant in using them, as the noble Lord seemed to think, that the good schools would not be dealt with by the Commission. The noble Lord had himself stated that one of the objects of the scheme of 1869 was to classify the schools of the different counties into grades; and in order to do this it would be necessary to interfere in some measure with the whole of the schools. To a great extent the good schools have been benefited by this inter-

ference. With regard to the Charity Commissioners, to whom it was proposed to transfer the duties of the Endowed Schools Commissioners, he was aware that Sir James Hill and his colleague, Mr. Martin, had done their work with great ability, knowledge, and industry; but, notwithstanding this, he did not approve the transfer. He was not alone in this opinion. There had not been time for many bodies of trustees to come to resolutions on the subject; but he had that evening received a copy as followed, of a resolution passed by the Governors of Dulwich College on the 14th instant—

"That this Board desires to record its disapproval of the Endowed Schools Acts Amendment Bill, so far as it transfers all the powers of the Endowed Schools Commission to the Charity Commission, and tends to place the future reorganization of Endowed Schools on a sectarian, instead of on a national, basis."

The Charity Commissioners were already very hard worked, and the noble Lord did not state whether they were willing to undertake the duty. Another ordinary Commissioner was to be appointed—but this had been necessary for some time past—and, in addition, there were to be two new Commissioners to conduct the educational business; but it was not stated whether they were to attend exclusively to that branch of the work. Again, the Charity Commission was not well fitted by its constitution for the new work which it was proposed to intrust to it. Its duties were mainly judicial, but the educational work would be administrative. No doubt, there would be great difficulties in the way of transferring the work of the Endowed School Commissioners to the Education Department; but in anything that was done the responsibility of that Department should on no account be diminished, and there was reason to fear that if the present scheme was adopted there would be a strong inducement to make use of the Charity Commissioners as buffers between the Department and the public. The disadvantage of this plan would be, that the Department would be made responsible for the preparation of the scheme, while it would be able to shift off some responsibility in the final action with regard to the scheme. The noble Lord seemed to forget that he was a Charity Commissioner. [Viscount SANDON: I have not forgotten it.] The Charity Commissioners had to take part

in, and were responsible for, matters which he could not control. There was no provision in the Bill with regard to the old powers of the Charity Commission. In the Act of 1869 the House passed a clause suspending the powers of the Charity Commission with regard to educational schemes, while the Endowed School Commissioners were at work. The noble Lord had repealed that clause, and their powers were revived. The result was that there would be an alternative mode of action. He thought the noble Lord would experience very considerable difficulty as to that matter. He did not know whether they were "dazed" on that side of the House; but, at any rate, his eyes were sufficiently open to know that there was a large majority on the other side. It was in the power of that majority to pass any Act they pleased, and for anything he knew it might be in their power even to repeal the University Tests Act. He (Mr. W. E. Forster) held that there was good reason for saying that the work of the Endowed School Commissioners should go on till next year, and that if the noble Lord would do his best he would find them a very good tool. He did not think the proposition of the noble Lord was quite fair to the Non-conformists. He had a very great suspicion that the effect of that proposition, so far as Bradford was concerned, would be to put the Bradford School under the management exclusively of Churchmen. He thought the House was entitled to know, before it passed this Bill, how many and what were the schools which would be affected by it. He would venture to make an appeal, if not to Government, to hon. Members on both sides of the House, who had, as he believed, the interests of education, and the interests of religious education, at heart. He dared say he might find himself supported by many hon. Members who had not thought fit to support him hitherto, and opposed by some who in these matters had hitherto supported him. He could only say that as in the matter of elementary education he was merely striving to do the best for education generally, for religion, for all denominations, and for the Church; so now he was endeavouring to lead the House right in regard to secondary education. He would ask those hon. Members of the House who thought

themselves special friends of the Church, why should they make the existing public schools of the country Church of England schools? As in regard to elementary education, it was in the interest of religion and of religious education, for the sake of liberty, and culture, and religion, that he strove to get fair play for the Church of England, and to take security that no unfair advantage was taken of her; so, for the same reason, and as much in the interest of religious education, he begged the House to protest against this attempt to retain, or get back for the Church of England, exclusive privileges and control over these schools which belonged to all Her Majesty's subjects.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Mr. William Edward Forster.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. NEWDEGATE said: — Mr Speaker, I desire to protest against an assumption of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster). He has included Warwickshire among the counties, to which the Endowed Schools Commissioners have given satisfaction. The right hon. Gentleman must permit me to observe that, inasmuch as I divided the House against the continuance of this Commission, when the Endowed Schools Continuance Bill was before the House last Session, and that, in the last House of Commons, my Amendment, which would have sooner terminated the existence of the Commission, was lost by only 11 votes, the right hon. Gentleman was not justified in representing Warwickshire as satisfied with the Endowed Schools Act, or with the conduct of the Commissioners. On the contrary, I can answer for it, that in no county was there a greater feeling of injury, nay, of outrage, than prevailed in Warwickshire; and I believe that the emphatic expression of that feeling had a good deal to do with the inclination of the House to curtail the temporary existence of this Commission. The right hon. Gentleman now refers, and fairly, to the modified conduct of the Commissioners after they had been virtually condemned. For the fact is, that they were condemned before they modified

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their action, and the right hon. Gentleman must excuse me also for reminding him, although I give him the credit for good intentions, of the manner in which he used this Endowed Schools Act, and the powers of the Commissioners. The attempts to apply the principle of the notorious 19th clause to the public schools which are exempt from the operation of the Endowed Schools Act; attempts which failed, but which reminded my constituents of the right hon. Gentleman's method of dealing with this subject, and with us, has been to knock us down first as the defenders of the pious intentions of the founders, and to talk to us afterwards. English people do not like to be dealt with in that way. We are not reconciled to the action of the Commissioners by their tardy and probably temporary change of manner; nor was it likely that we should be. I discovered that there was a manifest difference of opinion between the Chief Commissioner and his subordinates, and all the more I felt it to be my duty to avail myself of every opportunity of seeking the termination of the Commission. I thank the noble Lord and the Government for proposing by this Bill to put an end to a Commission which not only in action, but in correspondence, has shown a determination to overthrow the constitutions of charities which the nation approves. I must beg also to object to a distinction which both the noble Lord and the right hon. Gentleman have in the course of this debate appeared to draw between the nation and the Church of England. The Church of England comprehends the majority of the nation, and how then can it be either fair or appropriate to speak of them in such terms as to raise the presumption that they are distinct bodies, and not merely different phases of the same great community? I thoroughly approve of the proposal for transferring to the Charity Commissioners the charge hitherto committed to the Endowed Schools Commissioners. Having been in personal communication with the Charity Commissioners for a period extending over some years, it is my full conviction that they constitute a body well adapted to deal with this subject, especially as many of these educational charities are of a mixed character. This measure has been ably explained by the noble Lord; and ob-

serving that the clock points to an hour when I know hon. Members have other occupations, I will merely repeat my thanks to the Government for proposing this Bill.

MR. A. H. BROWN said, he thought some anomalous results would follow the appointment of the Charity Commissioners. For instance, appeals would be made to the noble Lord himself, who would thus become a Judge in his own cause, as he was a Charity Commissioner as well as Vice President of the Council. Then, Parliament had no guarantee that the rules which the Commissioners were empowered to make would be fair ones, and upon these rules, of course, a very great deal depended. He did not think three tried and experienced men should be set aside to make room for two inexperienced men. In his opinion, the expectation of the noble Lord that the business would be got through in five years would not be fulfilled. In regard to the proposal that the schools should be of a sectarian character, they were reversing the policy which had been followed since 1869. This was an aggression on the part of the Established Church, which wanted to take for herself what ought to belong to the public. He strongly objected to the passing of the Bill.

MR. WHEELHOUSE said, it was precisely because the measure now before the House would reverse the policy of the late Administration, to some extent, that he not only thanked Her Majesty's Government for its introduction, but for that very reason he was prepared to give the Bill his most cordial and earnest support. In his opinion, the previous Ministry had taken away—almost entirely without justification—rights which he considered to be the inalienable inheritance of the poor, and had transferred them without hesitation to, and in favour of, children of that middle class which could very well afford to pay for their education. Again, he was one of those who considered it right and necessary, wherever it was possible, strictly and reverently to respect the will of the founder. Moreover, he thought that no Government ought needlessly to interfere with, much less to take upon itself to remake, the will of such founder. He might be told—indeed, he had heard it more than once—that the new board schools under the Elementary Education

largest foundation schools in the country, while it carefully left untouched others on which it had been supposed it would first attempt to try its hand. Such a course of action was wholly unexpected. If it had been imagined that it was such schools as Giggleswick, Repton, Bradford, and Sedbergh that were to be first entered upon, did anybody in this House suppose the Bill of 1869 would ever have become law? But, even if this House should have passed it, what about the other? It would have had but small chance of being approved of there. They were told that the Commons had dealt practically with 66 schedules, but he should like to know whether these even had been interfered with to the satisfaction of the people. Take the opinion of every class as a test of how the Commission was regarded. Take that of the wage class, or the trading class, or the squirearchy, and he ventured to say that one and all would tell them—and with great reason—that amongst the causes that led to the downfall of the late Government, no feeling was stronger than the one which induced everybody to distrust the action of this most unfortunate Endowed Schools Commission.

MR. WHITWELL said, that the hon. and learned Gentleman (Mr. Wheelhouse) had been unfortunate in his instances. The Bradford school had been much improved under the new scheme. The number of boys had increased, education had been improved, and very large endowments had been added since the Commissioners had interfered. Giggleswick school had also been greatly benefited by their action. He was surprised to hear Sedbergh school cited as one that required no amendment. Within living memory it had sent very many candidates of distinction to the Universities. It had, however, of late years degenerated, and the number of boys had so much fallen off that Sedbergh became a scandal to the system of Endowed Schools. He was glad the Commissioners had taken it in hand. The substantial question involved was one which ought not to be prejudiced by party animosity, for it certainly did not belong to the regions of party. The Bill of 1869 was no more that of the right hon. Gentleman (Mr. Gladstone) than it was the Bill of every Member of that and the other House of Parliament. A great many small schemes remained to be

dealt with, and for that purpose the noble Lord proposed to appoint a number of additional assistant Commissioners. It was hard to blame the existing Commissioners for having done so little. They were obliged to act with great care and caution. The new Commissioners would have the advantage of all the knowledge and experience which had been acquired. The noble Lord had proposed to abolish the existing Commission because, he said, they were dead; but the real fact seemed to be that they had still plenty of work in hand. He believed that the Bill was intended by a side-wind to express dissatisfaction with some of the schemes proposed by the Commissioners. It would have been better to have at once proposed a change in the composition of the Commission than to have abolished it, as it were, by a side-wind and a Bill based on false pretences. Besides, the Charity Commissioners, he believed, had already work enough to do. It was with great difficulty and delay that a school scheme could be got through their hands; and he did not see any necessary advantage in transferring the business from Victoria Street to York Street, where a great number of Assistant Commissioners would be required.

MR. ASSHETON observed, that he had nothing personally to say against either the Endowed Schools Commissioners or the Charity Commissioners. It had been said that this Bill was a retrograde measure; but if they had advanced in a wrong direction the best thing that they could do would be at once to go back. If the Act of 1869 was a bad Act, he took his full share of the responsibility of its passing. He might have divided the House against it, but he did not, and he was proud that he had not done so. But, though the Act of 1869 was one of the best Acts the late Government had passed, one of its main features was the appointment of Commissioners who were practically the nominees of the Government that appointed them. It had been broadly stated in the House that the way in which the Commissioners had carried out the Act was a mistake, and wherever one went through the country grumblings were heard against them. He was not at all sure that the way in which they set about their work was satisfactory. It was said that England was

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practically mapped out between the three Commissioners, one of them taking the northern counties, another the midland, and the third the counties south of the Thames, and that each was virtually an autocrat within his own dominion. That was a great responsibility for one man to take upon his shoulders, and he was inclined to think that it was this among other things which led to the general feeling of dissatisfaction throughout the country. Then most of the schemes of the Commissioners started from three propositions, with which he could not agree. In the first place they assumed, as a matter of course, that the existing Governing Bodies were composed of ignorant and incompetent persons. It was his fortune to be on the Governing Body of two considerable endowments, and he must say that was rather a hard way to treat men, many of whom devoted much of their time and even of their money to the good of these institutions. But a more formidable rock on which the Commissioners ran was this—they seemed to think that on principle the wishes of the founders should be ignored as far as it could with common decency be done. The third great mistake—though, perhaps, one for which the Act of 1869 was in some degree answerable—was that the Commissioners endeavoured as far as they could in every instance to stamp out the teaching of religion. He believed they considered themselves bound to do so by the Act, no matter what their own private feelings were; and the extracts read by the noble Lord showed what Lord Lyttelton thought on the subject. It had been said that some of the people of Bradford were so well pleased with the action of the Commissioners that they had subscribed money towards the endowment of the Bradford School. He was very glad to hear it; but the people of Bradford must be more trusting than others, because here and there throughout the country the people declared they would give nothing to endowments which might be diverted to very different purposes from what they intended as soon as they were in the grave. In fact, the source of charity, as far as one of its highest forms was concerned, had been dried up, and that spring would not again flow unless confidence could be placed in somebody. People 200 years ago were much more prone to leave large

sums for educational endowments than they were at the present day. He approved the proposal to appoint the Charity Commissioners to administer the Act, for all who had to do with them were treated in a way to insure respect. It was doubtless true that the two new Commissioners it was proposed to appoint would begin their work with the disadvantage of inexperience; but it was also true we had experience of the way in which the old Commissioners had done their work, and the two who had to start afresh could not fail more signally than the present Commissioners had done. For these reasons he should give the Bill his hearty support.

SIR JOHN LUBBOCK denied that the springs of charity were dried up, and said that on any comparison with the past it must be remembered that land was of far less value formerly than it was now; and if the real facts could be ascertained it would be found that charity was dried up rather by the abuses the Commissioners were appointed to correct, and that the stream of charity flowed more freely again when the administration of endowments was placed in abler hands. The Bill consisted of two very distinct parts. The first removed the Endowed Schools Commissioners and placed the Charity Commissioners to reign in their stead; and the second diminished the toleration now existing, and replaced it by sectarianism. Her Majesty's Government, in conferring their powers on the Charity Commissioners, recognized the necessity of some such authority to organize and reform our Endowed Schools. Then, surely a very strong case must be made out before it could be considered wise to disorganize the present machinery and stop the Commissioners in their work? They had not only acquired great experience, but collected much information. Besides the schemes actually arranged, there were many others more or less completed. All this work would be rendered useless, or to a great extent thrown away, by the present Bill. He did not deny that the Commissioners might have made mistakes; but he believed that neither the Charity Commissioners nor any other body of men could fail to make mistakes. It had been said that the Commissioners had made themselves unpopular throughout the country. But to a certain extent

this was inevitable. The Commission was constituted to carry out a reformation which could not but be extremely unpleasant to vested interests. The criminal who was allowed to choose his mode of execution was said to have been in little danger; and if the Endowed School Commission had made no reforms that were not agreeable to those concerned they would have had little to do. But they must remember that Parliament was responsible for these changes. Every one of these schemes had lain 40 days on the Table of the House, and it was very creditable to the Commission that, notwithstanding all this outcry, up to the close of last Session, out of more than 100 schemes, not one had been successfully attacked in this House. The inherent merits of the schemes had enabled them to triumph over all opposition. In one case, indeed, a powerful and wealthy corporation felt aggrieved at the loss of a fraction of its enormous patronage. They spared no expense, they communicated with other malcontents, they organized a powerful opposition in this House; but the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) triumphantly vindicated the action of the Commissioners, which was approved and confirmed by a large majority. He should like to know on what principles the Charity Commissioners were to carry on the work, and thought that they and the Members of that House ought to be made acquainted with the new principles which were to be introduced into the management of these schools. The withdrawal of their powers from the Endowed School Commissioners implied, of course, dissatisfaction with their proceedings; but the Bill contained no indications of the nature of the change which was desired. By perpetuating and intensifying sectarianism the Bill would tend to prevent the amalgamation of small schools, which was so desirable. It would throw difficulties in the way of organizing graded schools, in favour of which they had the almost universal testimony of those who were interested in education, and it would preclude the best selection of governors. For his own part, he would go farther in restricting sectarian endowments even than the Bill of 1869. An endowment for religious purposes was a very different thing from an endowment of a particular sect, however important that sect might be, and he could not think

that such endowments ought to be perpetual. But, under this legislation, any man who had property and peculiar opinions, could leave that property in perpetuity to bolster up those particular opinions. This Bill had hitherto been debated mainly from the point of view of the Church of England. It was, however, a Bill for concurrent endowment, and it would tend to encourage endowments of all sects. When the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) brought forward his Burials Bill, the object of which was to allow Nonconformists to be buried with their own formularies, he met with the most determined resistance from hon. Gentlemen opposite; yet, now they proposed to encourage rich Nonconformists to devote their money to teach formularies which were so highly disapproved—so highly that, though such a person might have them taught in perpetuity, he could not have them read once over his grave. Who could say how much property might not thus, by degrees, be devoted to the maintenance of obsolete opinions? This was no imaginary danger. Hallam estimated that in the time of Henry VIII. the monasteries held not less than one-fifth of the land of the country. Nor was this an isolated case; it might be paralleled in other Christian countries. The Christian Church had been torn by sects now no longer in existence, and distracted by discussions now happily forgotten. These ancient sects, not being specially endowed, had happily disappeared; their very names and tenets were matters of history. There had been Gnostics and Sabellians, Adamites, Antinomians, Manichæans, and Donatists, Pelagians and Semi-Pelagians, Sublapsarians, and Supralapsarians, Monothelites, and Monophysites, Anabaptists and Hemerobaptists, and many others, but the list was too long to quote. These sects were now extinct: but suppose their enthusiastic supporters had been able to endow them? Could any one doubt that they would still have flourished with pernicious, because unnatural, vitality? If after half a century of existence an opinion had not sufficient vitality to maintain itself, that was strong evidence that it was not true. Religious tests, for whatever purposes imposed, were dangerous, if not fatal, to religious sincerity. What was supposed to be

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religious education? Unless stress were laid on those points on which Christians were divided, it was said, there could be no religious education. It would be better to lay stress on the points on which there was agreement. He should vote against this Bill, because it proposed to destroy a machinery which was doing good service, but still more because it would tend to perpetuate schisms, and to cover England with sectarian schools, in which obsolete opinions would be taught, by reluctant schoolmasters, to unwilling scholars.

MR. BERESFORD HOPE said, he was surprised at the arguments which had been addressed to the House by the hon. Baronet who had just spoken, coming, as they did from him. Whether hon. Members agreed with the hon. Baronet or not, at least they were usually able to welcome with pleasure the broad and philosophic views of a man who thought much, and had the courage to express what he thought. In the present case, he must say he missed that breadth. The hon. Baronet spoke of the presumed inconsistency of those who supported the present Bill, or were in favour of any system of education which made the inculcation of distinctive doctrine a matter of necessity, because they had in a former Session of Parliament opposed the Burials Bill of the hon. and learned Member for Denbighshire (Mr. Osborne Morgan). But, so far from being inconsistent, they were acting, in both cases, with logical exactness. Their position was the same in both instances. For his part, he was always anxious to co-operate with those who desired, in the matter of education, to secure the provisions which they possessed for teaching their specific religious tenets to the children under their charge. It was in like manner, and out of a similar regard for distinctive convictions, that he desired that the various religious bodies should have places of burial, in which their own specific forms of service might be used. In each case they should each and all have the full productive use of their own particular machinery. How, then, could it be said that they were acting inconsistently? Their claim was that a certain course of religious teaching should be allowed to hold its own way unmolested by antagonistic views. The hon. Baronet had expressed the opinion that the adoption of the principle of the

Bill would lead to the forms of religion being taught by reluctant teachers. On that point he joined issue with the hon. Baronet. The argument amounted to this—that religious education to be useful must be devoid of all distinctive characteristics. If it were dogmatic it must be insincere; and the teacher taught it, not because he believed in it, but in consideration of the endowment. [Sir JOHN LUBBOCK said, he had not spoken of an immediate but of an eventual result.] He could not accept that view of the matter either. Such would neither, he believed, be the immediate nor the remote result of accepting the principle of the Bill. The question was really one between mere materialism and the recognition of definite fixed faith as that which underlay all that was truly noble in the world. Unless faith were allowed to establish and to perpetuate its own teachings, materialism, which required no establishment, would be unfairly favoured. Let them look to a country which fettered the educational development of faith. In France there were two or three tolerated religions—the Roman Catholic, the French form of Protestantism, and the Jewish. Beyond those arbitrarily selected forms everything else was forbidden, and the consequence was that men of ardent hope who could not conscientiously accept any one of those three stereotyped forms had little to do but to maintain an unbelieving conformity, and withal, to fall back into a despairing abnegation of all reality of religious faith. The same thing had occurred in Germany, where the Old Catholic movement which gave rise to greater hopes of religious improvement than any similar uprising for a long time back, had to begin its career as a petitioner for State recognition. The hon. Baronet was rather more tyrannical than France or Germany. Those countries recognized machinery for encouraging fixed faith in the case of a few favoured bodies, and refused it to others. He would refuse it to all. The hon. Baronet had, in accordance with his views, protested against the Bill because it involved the possibility of the establishment of a network of sectarian institutions all over the country; but the answer to that suggestion was that the State need not mind whether the network were sectarian or not as long as there was a healthy and a liberal state of religious feeling in the country, in-

citing and keeping up that higher patriotism, pointing to another and a better world, which created and maintained national virtue. In his (Mr. Beresford Hope's) opinion, the free and impartial protection of fixity of religious belief was the one thing necessary in our educational policy—not of this or that belief to which the State accorded partial favour; but of all belief so far as it was fixed. The hon. Baronet the Member for Maidstone had given the House a long list of sects which he stated would have been alive now had they been endowed; but Diana of Ephesus, Serapis of Alexandria, Jupiter Capitolinus of Rome, and Athene of Athens, had all had their endowments, and yet their worship had died out. The hon. Baronet had referred to our public schools; but he had thought that under such men as Arnold, Longley, Wordsworth, Vaughan, and others, the religious training of our public schools had become something very different from what it had been very few generations back. Now, there had grown up alongside of the old foundation schools, other Church schools representing the doctrines held by the High Church the Low Church, and the Broad Church parties, and, beyond this, there were Dissenting and Roman Catholic schools, which inculcated the principles of their respective religious beliefs. But while these various Christian Bodies took care to provide instruction in their several creeds, they sought at the same time to secure the best means of secular education which their managers could command, and thereby established their claim to that protection from the State which the hon. Baronet refused. It was on these broad principles, and believing that it affirmed them, that he had supported the Act of 1869, and that he was now supporting the Bill to amend it. Questions of chronology, as to whether this or that foundation fell before or after the Toleration Act, were matters of detail. So, too, was the question of what body any school might belong to. The main principle at stake was protection for fixity of belief. He had been forward in supporting the Education Act of 1869, when introduced by the right hon. Member for Bradford (Mr. W. E. Forster), having directly followed the speech with which he brought it in. He did so then, alike on religious and social grounds; and, as the question was

then presented, he did not repent of his action, nor could he charge himself with any inconsistency now. He then rested his support of the measure upon a variety of considerations, and chiefly on the recognition of the decay and the rottenness of many of the endowed schools, which, in 1869, led him to desire a wise and wide development of the torpid institutions. He was equally anxious for the recognition in the Act of that form of the religious element which was the foundation of these schools. Now, his right hon. Friend had held out the hope that all these considerations would be respected when he offered his well-remembered assurance that only the bad schools need fear. That assurance was made in the House; but it was repeated upstairs in the Select Committee on the Bill of which he (Mr. Beresford Hope) was a Member; and he must confess that the suspicions both of himself and of others who thought with him, had been lulled by such representations, and that they accordingly worked on as helpers in the elaboration of a measure of which they had not fully fathomed the extent or purport. The present Bill set up a common-sense basis, which he had expected would have been adopted in 1869, but which experiences showed to have been frustrated by the technicalities of the law which he, and those who thought with him, had unwarily helped to set up. The desire of himself, and those who thought with him, was to promote middle-class education, and, at the same time, to have regard to the memory and the religious intentions and characteristics of the pious founders to whom these schools owed their existence.

MR. DILLWYN expressed his belief that the Endowed Schools Commissioners had done their work well and thoroughly, but considered that this was merely a matter of detail. It was mainly on the ground of principle that he objected to the Bill. The question really before the House was whether or not instruments of endowment were to be interpreted strictly. Many years ago he brought in a Bill on this subject, and at that time he took great pains to see what were the conditions which founders generally imposed. He remembered one case in which one of these public benefactors left trusts for the benefit of his native parish for the maintenance of roads and

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also for a school. He ordained that the managers of the school should be "honest men," and the children were to have "godly teaching." The persons who had the appointment looked for "honest men" for managers without caring whether they were Churchmen or Dissenters, and they appointed a Dissenter as the master. The clergyman of the parish objected to this, and commenced legal proceedings, which, after going through several Courts, ended in his favour, and the Dissenter was turned out. That was the state of the law till 1869. He did all he could to get it altered, and he was sorry to see a disposition now to return to it. In one sense he was glad that the Government had taken the matter up in this way—that they had not adopted a Liberal and put it forward as a Conservative course, but had shown themselves in their true colours. There was the true Conservative ring about their speeches. There was the old cry of "Church and State," and it appeared as though we were going back to the old days when we trampled the Dissenters under foot. ["No, no!"] That was the whole ring of the noble Lord's speech. ["No, no!"] Gentlemen on the Treasury Benches might say "No, no!" but he said "Yes, yes!" He believed that was the tendency of the Government we had now got in. He did not blame them. He liked people to act on their own convictions. No doubt, this measure would be followed by others in the same direction, and, in course of time, if the Conservative Government remained long enough in office, we should all be told to go to church and nowhere else. He earnestly hoped that the House would not assent to the passing of such a retrograde measure as this, which practically asked us to place all the endowed schools for middle-class education in the hands of the Church. ["No, no!"] That was what it came to. It was a proposal to give over middle-class education to the so-called National Church, which, at the present moment, was on its trial—which was making frantic appeals to that House to keep order in its ranks—which was unable to define its own tenets, or to prevent its clergy from turning the churches into Popish mass-houses. There were traitors in her bosom, and indecision reigned at her counsels—the handwriting against her

on the wall was plainer than ever. This certainly was not the time to hand over middle-class education to her, and he trusted the House would throw out the Bill.

THE SOLICITOR GENERAL said, that as this was a *quasi*-legal question, he wished to say a word upon it. He did not propose to go into that part of the Bill which related to the transfer of power from the Endowed Schools Commissioners to the Charity Commissioners, but he could not help offering a remark on it. It had been said that the motives of the Endowed Schools Commissioners had been perfectly honest, and that they had endeavoured to discharge fairly the duties that had been imposed upon them; but there was this to be said, that though they might have given satisfaction in Yorkshire, in Lancashire, and in other parts of the country, it was certain that they had given great dissatisfaction in other parts, and that the reason why they had given great dissatisfaction was because they had disregarded the intentions and wishes of the founders of these endowments—the men who found the money to establish these schools. But what he wished chiefly to speak of was the operation of the 4th clause of the Bill in reference to the wishes of the donors. The speech of the noble Lord who introduced the Bill was objected to by the last speaker because it had what he (the Solicitor General) admired it for, "the true Conservative ring." He was glad of it; not because the noble Lord wished to put members of the Church of England over the Nonconformists, but because the noble Lord seemed to have been studious to protect and carry out the desires and wishes of founders. That seemed to him, when they were legislating on this subject, the very thing they ought most to desire to accomplish. He did not care whether it was in matters of an ecclesiastical sort, or matters of another kind; but the rights of property and the rights of owners of property ought studiously to be revered and protected. If it were found that the instruments creating these endowments contained clear and distinct evidence that the person who conveyed his property desired that any particular sect should enjoy them to the exclusion of the rest, his wishes ought to be carried out. It might be said that the founder had not shown very enlightened views,

but his had been the money and the estate, and what inducement would be held out to those who came after him if they learnt that in the year 1873, or in any other year, the instruments conveying these endowments were altogether disregarded? And it was because his noble Friend had shown a disposition studiously and justly to regard the wishes of founders, pious and otherwise, that he was prepared to give the Bill his cordial support. He had listened with pleasure to the speech of the right hon. Gentleman (Mr. Forster), because he was thoroughly conversant with the subject; but although he had paid it the utmost attention, he could only find that he had two objections to the Bill apart from the question whether or not the matter should be handed over to the Charity Commissioners. The right hon. Gentleman said with perfect truth that those who introduced the Bill of 1869 were anxious and desirous to carry out the desires of founders, and their idea was that those desires must be ascertained by looking into the instruments of endowment. The scope of the Act, he said, was that when the expression of a wish on the part of the founder could be found that the scholars should be educated in any particular religious denomination, the founder should be considered to devote his endowment to the exclusive benefit of that denomination, and this whether the foundation was established before or after the Toleration Act. The right hon. Gentleman admitted, in fact, the very principle for which his noble Friend contended, and the only question between them was one of evidence. It was found that certain schools were not within the definition of the 19th clause of the Act of 1869, and it was therefore thought desirable by the right hon. Gentleman that an amendment and extension of the Act should be carried, so that evidence of a different kind might be accepted as establishing a denominational intention on the part of the founder. The Act of 1873 accordingly provided that if after the passing of the Toleration Act a founder required that the majority of the members of the governing body, or the trustees, or the principal teachers, or that the scholars should be members of a peculiar sect or Church, each of these conditions was to be held as sufficient evidence on the part of the founder that he wished to devote

his bounty exclusively to that denomination. These were the very matters inserted in the present Bill, with one exception. [Mr. W. E. FORSTER: Two.] The difference between those enactments and the present Bill was, that if founders had expressed a wish that the scholars should belong to a particular sect, or attend a particular Church or communion, or that the majority of the governing body or the teachers should belong to a specified denomination, the noble Lord extended that intention to a period prior to the Toleration Act. The right hon. Gentleman urged that when Dissent was hardly known, or at all events was not rife, the founder of an endowment could not contemplate that Nonconformity would arise, and would, therefore, omit to provide for differences from the Established Church. But why should it be assumed that the man who before the Toleration Act made a foundation in favour of the Established Church, would, if he had lived 50 or 100 years later, have been a Dissenter? What was known was that he said he devoted his bounty to members of the Established Church, and it was embarking on a most dangerous field of speculation to assume that he would have done differently if he had known that in later days there would be Nonconformity and Nonconformists. Another objection raised by the right hon. Gentleman was, that the mere declaration of the founder that the rules of the school should be submitted to the Bishop of the diocese ought not to be sufficient to indicate an intention of a denominational kind. He submitted, on the other hand, that such a declaration was perfectly sufficient. If a founder selected a Bishop or any other member of the Established Church or any other Church to prescribe the rules of a school, it was very strong evidence that his views were in the direction of the Established Church or of some other denomination, according to the religion of the visitor so selected. With regard to one provision of the Bill, which enacted that if the instrument of foundation should not be forthcoming—if it had been lost and could not speak for itself—a long usage, say for 100 years in a particular direction—if the scholars had been trained in the doctrines of the Established Church or of any Nonconformist sect—should be held as conclusive evidence of the intention

of the founder, to that provision the right hon. Gentleman did not object. Indeed, how could he object? for what in the law of England was regarded as more sacred, more entitled to veneration and regard than long, continuous, uninterrupted usage? The noble Lord had been attacked for introducing these provisions, but he thought he had done wisely in introducing them. Instead of being narrow-minded and illiberal, he had shown that he was proceeding on the fairest, justest, and most certain principles of the English law, and it was on that ground that he supported this Bill.

MR. KAY-SHUTTLEWORTH wished to address a few words to the House on this question, not as a Member of any party or section, but as one interested in education, who looked on the cause of education as entirely irrespective of and above party. The hon. and learned Gentleman the Solicitor General had praised the speech of the noble Lord (Viscount Sandon) because it had in it "the true Conservative ring." Now, it was because the noble Lord's speech had any "ring" in it but an educational "ring" that he deeply regretted that the noble Lord had spoken as he had. He had heard that speech with surprise, both because of the tone in which he had spoken, and because of the attack which he had made on the Endowed Schools Commissioners. The noble Lord was almost the last man from whom he should have expected to hear a speech on this subject pervaded by a partizan tone, for he was reminded of a speech made by him on the Motion of the hon. Member for Stoke (Mr. Melly) in 1869 upon neglected children in large towns in which the noble Lord had said that no party considerations ought to influence them upon such questions. He (Mr. Kay-Shuttleworth) wanted to know why the education of children in endowed schools should be treated more from a party point of view than the education of neglected children in large towns. He deprecated extremely the tone of the noble Lord's speech, and he ventured to say that no Minister had ever imported a similar tone into their debates on education. He also deprecated the attack of the noble Lord on the Commissioners. They were public servants—intrusted with very large and exceptional duties—constituted, in fact,

into a small Legislature to enact schemes for our middle-class schools—a task which Parliament had found too troublesome and difficult to undertake, and had therefore delegated to the Commission—and it was the duty of the House, and still more of Her Majesty's responsible Minister, to support the Commissioners, who had set themselves to the performance of these functions with zeal, with courage, and with fearlessness. Those functions were peculiarly delicate and difficult, and it was not unnatural that in applying the principles of the Act to individual schools the Commissioners should have excited a good deal of local opposition. The noble Lord contrasted the conduct of the Endowed Schools Commissioners with that of the Charity Commissioners; but he forgot to tell the House that the Charity Commission had been in existence for 21 years, and that during their earlier years they, too, had encountered opposition and unpopularity. Moreover, their functions were not so delicate as those of the Endowed Schools Commissioners; for they had no power of initiative; they could only act when called upon to act by the localities. It seemed as if the Endowed Schools Commissioners had very few friends just now—but one would have thought that that fact should have made the Minister who represented them in that House very careful to couch any criticisms he might have had to offer upon their proceedings in studiously moderate language. Instead of taking such a course, he had made this attack with excessive warmth and with misplaced rhetorical emphasis. On future occasions, the Government would find it necessary to appoint other Royal Commissions to carry new laws into execution. What hope was there that the Government would then obtain men to serve them, who would act with energy and courage, and without fear of unpopularity, if Ministers now spoke of industrious and faithful public servants in the tone of the noble Lord? The right hon. Gentleman the Member for Bradford (Mr. Forster), in answering the speech of the noble Lord, had most truly said that the charges commonly made against the Commissioners applied more to their words than to their acts; and he had told the House in support of that view that of all the schemes issued only 10 had been challenged in Parliament, and

only eight upset. In the Select Committee of last Session of which he (Mr. Kay-Shuttleworth) was a Member, it was agreed to insert in the Report the following words:—

"The published opinions of some of the Commissioners on the subject of endowments have caused alarm, and have in some cases seriously impeded harmonious action, &c."

But when an hon. Member proposed to extend the application of these words to "their mode of dealing with endowments in some instances," the Committee refused by a majority of 12 to 7 to censure the Commissioners for their mode of dealing with any endowments, and the present Secretary of State for War (Mr. Gathorne Hardy) and Sir John Pakington voted in the majority against the Motion. The noble Lord had stated that, according to the Report of the Committee, great restrictions on the action of the Commissioners were needed. But on examination, he would find that no opinion of the kind was expressed in that Report. He said, further, that the Commission had now "exhausted the willing cases." If the noble Lord had carefully read the evidence given before the Committee he would never have made such a statement. Mr. Richmond, the Secretary of the Commission, had replied to a question that the districts from which urgent appeals had been made to the Commissioners to deal with endowed schools, but to which they had been unable to pay any attention, were tolerably numerous. And Lord Lyttelton—one of the Commissioners—had said that there were large and extensive districts hardly touched at all. He (Mr. Kay-Shuttleworth) had then asked Lord Lyttelton the following questions, obtaining the following replies:—

"For example, I believe in Sussex you have done very little?"—"Very little."

"It has not been, sometimes, from a want of desire on the part of local boards of trustees that you should deal with their schools, because I myself was the channel of a communication from Hastings, requesting you to deal with the schools at Hastings?"—"So far from that, it is a most unpleasant part of our functions, that we are often obliged to refuse the most urgent applications."

In the borough which he (Mr. Kay-Shuttleworth) had the honour to represent (Hastings), the persons interested in the endowed schools had for two or three years been most anxious that their

case should have the attention of the Commission, who from the want of time and the inadequacy of their staff had been unable to comply with such requests. The "willing cases" were therefore by no means "exhausted." The hon. and learned Gentleman (the Solicitor General) had admitted that the Commissioners had given satisfaction in Yorkshire and Lancashire, and it was a strong testimony in their favour that the hon. and learned Gentleman, who was connected with Lancashire and represented Preston, was obliged to refer to parts of the country, with which he was not thus connected, in order to support his general statement that their proceedings had caused dissatisfaction. The Solicitor General had argued that the Bill deserved the support of the House because it regarded the wishes clearly expressed in the founders' wills. The hon. and learned Gentleman must have read with very little care the Endowed Schools Act of 1869, which this Bill proposed to amend, or he would have seen that the cases in which the express terms of a founder's will restricted the use of the endowment to a particular Church or denomination were precisely those which were already protected in that Act. Agreeing with the objections of his right hon. Friend the Member for Bradford to the 5th and 6th clauses of the Bill, he further could not help regarding the 7th clause with suspicion. The Conscience Clause, in the Elementary Education Act provided for exemption from attendance at "any religious observance or any instruction in religious subjects," and the corresponding clause in the Endowed Schools Act applied to lessons as well as to religious worship, whereas the present clause only gave exemption from religious observances. But before concluding, he desired to call attention again to the Report of the Select Committee of last year, and to a paragraph in that Report in which he took a special interest, having with the assistance of Sir John Pakington—now Lord Hampton—moved its insertion. It was this—

"Your Committee regret that they have been unable fully to consider the recommendation of the Schools Inquiry Commission, that every endowed school should be subject to periodical inspection and annual examination, and that a Council of Examinations should be created. The second part of the Endowed Schools Bill (1869) provided for the formation of such a council, but did not become law. Your Com-

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mittee hope that these important proposals will again have the attention of the Government and of Parliament."

He did not say that these objects should have been aimed at by the Government in their present Bill, but he trusted that they would not lose sight of them, lest their endowed schools when once they had been reformed might gradually relapse into the condition into which they had fallen during long years of neglect. The appointment of Commissioners, and the framing of schemes, were but temporary expedients; the permanent efficiency of the schools must be secured by regular examination and inspection. The second or permanent part of the Bill of 1869 would be useful as a model on which to prepare a measure for these purposes. In conclusion, he appealed to hon. Members opposite, many of whom were above the influence of party considerations in questions regarding education, to deal with the Bill of the noble Lord upon its merits. He objected—as a Churchman—to their setting up on behalf of the Church an exclusive claim on such endowments—he objected as a Member of that House to the principle being established that a new Parliament should at once set about undoing the work of the late Parliament—and he asked as an Englishman that all schools which were not by express terms given by the founder to the Church should be available to the whole country.

Mr. SALT said, he was not so anxious to find fault with the past as to consider their prospects for the future. The noble Lord had told them there were about 800 endowed schools which would have to come under the operation of the Commissioners, that in regard to only 74 of them had new schemes been passed, and that in regard to 66 schemes had been published, leaving absolutely untouched 660 schools, possessing endowments to the value of £210,000. That was all that had been accomplished in five years, and now that they were about to transfer the work of the Endowed School Commissioners to the Charity Commissioners, he wished to ask, whether, at the end of another five years, they were to reconsider that question, with new religious difficulties and with a fresh series of troubles such as from various circumstances had grown up in every part of the country; or were they now to endeavour, if possible, to bring their

work to a conclusion? Some years ago the counties of Devon, Gloucester, Leicester, Northampton, and York proposed schemes of their own, which were laid before the Commissioners, but for some reasons—that were no doubt very good—they had not been carried into effect. Those schemes were embodied in a Return very recently published, and they contained various suggestions well worthy of consideration. It seemed to him that the only way of dealing with that enormous question, and bringing it to a conclusion in anything like a reasonable time, was to set county committees to work in preparing county schemes; to have those schemes submitted to the Commissioners, who would sift and alter them as circumstances might require under the regulations of the Act of Parliament; and then, if possible, to carry out the work in one county after another until the whole thing had been completed. Some such plan as that would have very great advantages. There was another point to which he wished briefly to refer. As the House was aware, there was a very large amount of endowments which were almost untouched as yet by the Commissioners, and which were known under the name of doles. The aggregate amount of those funds was, he believed, £218,000, a sum of great use, if properly applied. These funds ranged in various counties from £2,000 to £12,000, and they ought to be turned to the best advantage, although he was ready to admit that they could be dealt with satisfactorily only by persons possessing the necessary local influence and information. But the question might be asked, how could those endowments be applied? They might be applied in stimulating education in the rural districts, in giving prizes, in settling the difficult question with regard to the payment of the fees of children who were unable to pay for themselves, or in encouraging children of ability to rise from the elementary into the higher grade of schools. In that way they might become instruments of the greatest possible value, and he hoped the noble Lord the Vice President of the Committee of Council would give his serious attention to their disposal in some such way. There was another point which had been alluded to by the right hon. Member for Bradford (Mr. W. E. Forster) to which he wished to refer.

He knew a school, in which he was himself interested, which was extremely prosperous, but which had been altered by the Commissioners, without any regard to its connection with the rest of the county, and which, in consequence, now stood isolated. The change had, indeed, done harm rather than good; but he should not have complained of it if it had been part of a great organization for the benefit of the nation at large. As to the work of the Commissioners generally, he must say he could not understand the principle on which they had proceeded. Why they had pitched upon some particular school and then upon another without any apparent system, he was unable to conceive. He hoped, therefore, that as they were about to have a new starting-point they should have a system which would provide for the improvement of all the schools that required change. He did not mean, of course, for a moment to contend that the Commissioners had not done a great deal of good work, but then, their work had been, he thought, a little patchy and haphazard. As to the religious difficulty, he believed that it was very much exaggerated on both sides of the House. His desire, at all events, was that the children of our endowed schools should get a really good practical religious education, whether that education turned more or less in one direction or another. He thought it of the utmost importance that the children of our higher artisans and shopkeepers should receive such a training, for in dealing with great national endowments we ought, in his opinion, to be very large-hearted and very liberal. He approved of the Bill, and should vote for the second reading.

LORD FREDERICK CAVENDISH agreed with the hon. Member who had just sat down, that great assistance in this work might be rendered by county associations, which were both powerful and influential in matters relating to education; but when the Commissioners thought it advisable to propose schemes which were against the wishes of those associations, that very power and influence only increased the difficulties which stood in the way of their discharging their duties, for the trustees of the schools concerned would fight hard and long rather than give up the power they possessed. The noble Lord

who introduced this Bill had said nothing about those difficulties, though he spoke with some contempt of the work the Commissioners had done. If the noble Lord, at the end of the four or five years of office to which he might well look forward, could boast of having done as much work as the Commissioners had performed during a similar period, then he would have reason to be satisfied with the change he proposed. The noble Lord had not shown that the results of the schemes of the Commissioners had been bad, or that they had not worked well; and he (Lord Frederick Cavendish) ventured to say, from his own experience, that the work of the Commissioners, tested by results, was not simply up to general expectation, but was so good that he defied all the friends of the noble Lord to stop the reforms which had been begun. In the West Riding of Yorkshire there were many large endowments which had been so badly managed, that that district was held up in the course of the inquiry which preceded the Act of 1869, as an example of the absolute mischief which was done by the endowed schools in their existing state. Now, their condition was most satisfactory, and many highly interesting educational experiments were being carried on. One effect of the present work was to soften the differences between Churchmen and Nonconformists, by educating the children of both classes together; but if the present measure was passed, this desirable result would be prevented. Perhaps the noble Lord would say that, whatever might be the results, they were bound to adhere to the wishes of the founders; but it was not so clear that it was the intention of the founders to make these schools nothing more than a close preserve for the Church. All the evidence went to show that in ancient days every man who wished the children of the country to receive a religious education could do nothing else but give them a Church education, because there was no freedom of religious opinion at that time. The noble Lord had said that we must retain these schools as Church schools—as a fortification for the Church. He (Lord Frederick Cavendish) thought the Established Church was strong; but he, for one, should tremble for its fate if he felt that it required such fortifications as these. He thought

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that if the Liberation Society wished to take a generous revenge for the proposal of the Government, they need do no more than publish the speech of the noble Lord, and make it known throughout the length and breadth of the land that Dissenters and Nonconformists were not to have a fair share—"Oh, oh!"—a fair share in the management of the endowed schools of their own towns. He admitted that the Liberal party was now in a depressed state; but he had too great confidence in its principles to entertain any fear that it would not yet triumph. They had experienced sudden changes, and they should have them again; but they had never done any harm to the country, because they were not like some Continental countries, which thought the first duty of a new Government was to undo what had been done by its Predecessors. The noble Lord, however, seemed to think that the way to commend this Bill to the House was to show that it differed widely from the measure passed by the late Parliament. He would say to his noble Friend that, as judging by the present Session, it did not appear likely the Government would have many measures to be proud of hereafter; if they wished any of them to remain on the Statute Book they had better not do their best to repeal the Acts of their Predecessors.

MR. NEVILLE-GRENVILLE must say that his notions of the speech delivered by the noble Lord (Viscount Sandon) were as different as possible from those which had been attributed to him by the last two speakers on the opposite side of the House. He was not aware that his noble Friend had thrown stones at the Commissioners in any way. He had said that their acts were very unpopular out-of-doors, and in doing so had never spoken truer words. He (Mr. Neville - Grenville) had joined the Schools Inquiry Committee full of his own grievances, and he had found that although his friends were complaining of what they considered to be essentially Church schools, unchurched by the Commissioners, yet that there were gentlemen representing the Nonconformists there, who were even more angry with the Commissioners for not having given the Nonconformists a larger interest in these endowed schools. He should never attack the Commissioners, because he was certain they had been actuated by the

most conscientious motives, and that it was their reading of the Act of 1869 which induced them to take the course they did on every occasion. It was to amend that Act that the present Bill had been brought forward, and he hoped it would have success. There was one omission in the Bill to which he wished to call the attention of the Chancellor of the Exchequer. He believed it was the opinion of many hon. Members of the House that the Charitable and Endowed School Commissioners should be paid the expenses of their Commission by stamps or some other means out of the large properties with which they dealt, and that that expense ought not to be borne by the country. He should give his hearty support to the Bill.

MR. LYON PLAYFAIR said: Though this Bill professes by its Preamble to make further provision for liberal education in endowed schools—not as in the old Act to bring a liberal education within the reach of all classes—yet in its provisions it does not contain a single line, or, indeed, a single word for this purpose. Its objects are, however, transparent. It is a Bill for getting rid of a Commission which has honestly acted in promoting liberal education, but has not done so in a spirit of sectarian exclusiveness. The speech of my right hon. Friend the Member for Bradford (Mr. W. E. Forster) exhausts the defence of the Commission. Yet one aspect of the defence strikes me forcibly. Though the Bill enacts capital punishment on the Commissioners, their crimes are of omission, not commission. Incessant complaints have been made in regard to them by hon. Gentlemen on the other side, but not one of these is alluded to or is rectified by this Bill. The Commissioners have been said to be *doctrinaires* who run to death first principles of reform, as found in the Reports of the School Inquiry Commission. In abolishing nominations by patronage, it is declared that they robbed the widow and orphan of their inheritance. It was stated that they were no worshippers of pious founders, and that they violated ancient foundations by amalgamating them with others. They abandoned traditional usage, and graded schools so as to suit different classes of the community, and, instead of giving education as a charitable dole, they established fees corresponding to the character and

to have the appearance of fairness to all sects, and yet is so cunningly drafted as to give a complete monopoly to the Church of England. If this were not so, many of the 63 grammar schools founded by Henry VIII. in the border land between Popery and Protestantism would be in danger. And if there be no danger in the clause from Roman Catholics, the vagueness of the language, applicable to all sects alike, affords no boon to Dissenters, because they were not legally allowed till 1779 to hold schools of any kind, and not till a considerably later period to be masters of endowed schools. This fact disposes of their claims effectually, for all the schools which arose in the 18th century were mere primary charity schools for poor persons, not grammar schools for a liberal education. So that the claim of the 4th clause to restore schools to all religious Bodies alike, means nothing more nor less than to restore them to the Church of England alone. All the meshes of this great net are constructed for this sole purpose. The meshes are, however, so numerous, that I must refer to the clause for them; but every conceivable implied inference of religious teaching, at times when no other form than that of the Church of England was allowed, is to be taken as evidence. No doubt, then, hon. Gentlemen opposite may be perfectly satisfied that, when they haul the net, the schools will be swept within the Church of England. Some charity schools at the end of the last century may escape, but only a few of the grammar schools can. In reality, the old deeds vary considerably as to the direct recognition of religious teaching or Church connection. Those established by the Kings enjoin church teaching, either directly or by inference, and when they do not the Court of Chancery has ruled that this is implied. And justly so, for when the State in the 16th century established schools, it as naturally placed them under the Church, as the State at the present time would put them under school boards. But it is a huge assumption to draw from this fact that when the State meant to benefit the nation, it intended for all time to benefit the Church though that might cease to be coterminous with the nation. On the other hand, there are many schools in which purposely, as when the Reformation and Popery were in a doubtful strug-

gle, or when the Puritans were in the ascendant, the reference to religion is put in the vaguest terms. Children, for instance, are to be taught the primer. Well, that was the alphabet, but generally had Nowell's or some other catechism attached. The children were to be brought up "in a godly and virtuous life," or they were to be taught "good literature and godly learning." Again, the Bishop or ordinary was the licensing person for teachers, who almost invariably were clergymen. Take the case of the great school at Birmingham. The deed simply says that the rules of the school are to be approved of by the Bishop—*cum advisamento episcopi*. All those vague terms, and even the licensing law, if referred to in the deeds of foundation, will bring these schools under Clause 19 of the Act of 1869, because they imply distinctive religious teaching, and that, of course, means that of the Church of England, for none other was allowed in the schools. Clause 5 has a subtle intent, not obvious at first from its terms, but easily discernible by its marginal note. It simply enacts that all scholars shall be taught the distinctive teaching of the Church, but it implies that all teachers shall belong to that Church. Doubtless this qualification of teachers was expressly put in the clause as first drafted, but that being rather strong for Parliament, it was struck out, only unluckily it remains in a fossil state in the marginal note, for my right hon. Friend the Vice President of the Council omitted to change that when he altered the clause. I agree with the noble Lord that the clause will carry out his original object as it stands, because as the Judge is in future to construe "express terms" as implied inferences, he will have little difficulty in extending the application of the religious conditions as to the taught to the religious faith of the teacher. And so, in the future, only Episcopalians are to teach in our grammar schools. Let us turn now to Clause 6. At first I thought that rather innocent. But the more I look at it the less do I like it. It begins by stating, "When the original instrument of foundation is silent"—silent about what? It may be eloquent about many things, though silent about religion, which is of course meant. Some of the old instruments are most eloquent about the

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national and universal use of the schools. Some say that they are to be extended both to the rich and to the poor, to the resident and to the stranger. But all this eloquence as to national use is to avail nothing if they be silent as to religion. Then the use and wont of 100 years—for all practical purposes 20 years would have been as good, though it does not sound so liberal—is to determine the character of the future religious teaching. That being determined, all scholars belonging to that denomination, which, of course, again means the Church of England, must be taught its distinctive teaching. Now observe that this is quite a new feature in schools, though I think it prevails in some of the Colleges of the Universities. Even the Court of Chancery never ruled in any of their schemes that an inquisition must be held as to the religious tenets of the parents. For this clause renders it necessary to question every parent and child, so that the white sheep may be separated from the black sheep, and then the white sheep alone are to be fed with the bread of life. This is altogether different from the voluntary renunciation of religious teaching by a Conscience Clause. It is an inquisitorial clause never hitherto applied to schools, but a worthy successor of the clauses which have preceded it. When I read this Bill I was reminded of the words of Bertrand de Mandeville in his *Essay on Endowed Schools* attached to his famous book, *The Fable of the Bees*, published in 1716. He says—

“Why must our concern for religion be eternally made a cloke to hide our real drifts and worldly intentions? Would both parties agree to pull off the mask, we should soon discover that whatever they pretend to they aim at nothing so much in charity schools as to strengthen their party; and that the great sticklers for the Church, by educating the children in the principles of religion, mean inspiring them with a superlative veneration for the clergy of the Church of England, and a strong aversion and immortal animosity against all that dissent from it.”

Now I do not believe that such feelings have actuated the Vice President of the Council in bringing in this Bill, but I do believe they will be stirred up in every town and parish, where contention is introduced by this Bill, when it becomes law. It will be viewed as a challenge thrown down by the Church to Dissent, and the latter will not be slow to accept

it. Is this either wise or patriotic? The House, by all its recent legislation, has been proceeding in the direction of the Endowed Schools Act. Even as regards its Universities, beginning at first with a Conscience Clause, as years progressed it broke down religious barriers, and opened up the Governing Bodies to persons of all creeds. Why should we roll back our course of legislation in regard to the schools of the people? And if this Bill pass, what security have we that the Conservative Government will not take their next step to re-impose religious tests on the Governing Bodies of our Universities. There would be as much justification for that as in the case of schools. But would such changes, varying with every Government, be a tolerable policy for a nation that boasts of a progressive Parliamentary Government? This grasping policy of the friends of the Church reminds one of the last four years of Queen Anne's reign, when statutes were passed, such as the Schism Act, for giving exclusive teaching to the Church, and for repelling Nonconformists from honourable fellowship with the State. The whole contest involved in this Bill is one of Church patronage and exclusiveness. The Church has no doubt always shown its desire to promote education, and its clergy have made great pecuniary sacrifices to extend the education of the poor. But with all their efforts how little has their distinctive teaching done to retain the poorer classes within the folds of the Church. At least three fourths of its population have passed through its schools, yet its creeds and its catechisms imbibed in the earliest youth, and its enforced attendance at Church, seem rather to have repelled than attracted the youth of the poorer classes, who generally quit the Church when they leave the school. Is it wise to push this experiment too far in regard to the middle classes also? You are showing no real regard for the intentions of the founders by these changes. There is scarcely a school in the country which is now conducted in close conformity with the wishes of the founder. Both in the case of Universities and schools, restricted conditions have been removed. Local partialities for places and names, which exist in so many deeds, have been treated as unwise, and have been abolished. The only restriction which

you now contend for is religion, and that arose from necessity, not from choice. This restriction you now propose to stamp into every foundation by statute. This no doubt you can do by the force of an imperious majority. But is it wise to use your force? When the last Government was in power, it yielded to the wishes of the minority, and gave to them distinctive religious teaching for the schools which had been established with this proviso since the Toleration Act of William and Mary. Are politics for the future to be carried on as wars of reprisal? Having opened up the endowed schools of the country to the whole nation, irrespective of class or religion, is Parliament now, because parties have changed their benches in this House, to revoke that gift, and practically hand over the management and patronage of the great bulk of the schools, which give a liberal education, to a Church from which half the people dissent? It is certainly not for the benefit of the people that this sectarian exclusiveness should be established, and it is assuredly not for the benefit of the Church that it should be made the source of fierce contentions and bitter heart-burnings. The Church of England is a worthy heir of the Reformation, and is entitled to honour for the manner in which it has used its inheritance. But it is not the only heir. Other reformed Churches have grown up around it, and they include a large portion of the population. The schools founded by the Tudors and the Stuarts were for the benefit of the whole people, and are the property of the State and not of any ecclesiastical corporation. In the interests of religion, in the interests of education, and in the general interests of public polity, the House would do well to reject a Bill which reverses the course of legislation for the last generation.

Mr. ASSHETON CROSS said, that the measure now before the House was a legacy left by the late Government in this matter of endowed schools. When, in 1869, the matter was brought forward by the right hon. Member for Bradford, he stated to the House the grounds upon which the Commissioners to be appointed under the Act would carry on their proceedings, and also that in the course of a few years such a reform would be made in the educational institutions of the

country, that practically the Commission would come to an end. No one who assented to the passing of the Act of 1869—certainly none on the side of the House which he and those who agreed with him then occupied—ever dreamt that the provisions of the Act would be carried out by the Commissioners in the spirit they had manifested. It was believed that the Commission would be temporary; whereas, practically it had become a permanent roving Commission over all the schools of the country. Another Act was passed in 1873, when the attention of the House was hardly sufficiently called to the matter; because, though the Ministry at that time had full power, and though they could have pressed on the House anything they chose with respect to the Commission, they in their wisdom thought fit that the Commission should expire in the end of December, 1874. That was the position in which the Government found themselves on coming into office. It was not Her Majesty's Government that made the first inroad—the first attack on the Commissioners. The Act of 1873 declared that the Commission should expire in 1874. It was done by the action of the late Government. ["No, no!"] True, it was by the action of Parliament, but who were the Ministers in office at the time? Parliament insisted that the Commission should come to an end in 1874, and the Government with all its strength, was either unable or unwilling to have it otherwise. That was the state of matters in which the present Government found themselves when they came to deal with this question. The first question to be asked was, whether the Commission, as at present constituted, had worked satisfactorily? A great deal had been said about the good they had done. It would have been a very strange thing if gentlemen of high standing had been in office for five years without doing some good. No doubt the Commissioners found many schools inefficient, and they left them efficient. But there were many persons who thought—and Her Majesty's Government were among the number—that though the Commissioners had done a great deal of good, they had also done a great deal of harm, and that if allowed to continue in office, they would do grievous and lasting harm. If the right hon. Member for Bradford, when he in-

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roduced the Bill of 1869, had sketched out the programme of the scheme which the Commissioners had carried out up to 1874, he would have found much greater opposition to the Bill. But the Government had to look to the words of the Commissioners themselves—he had extracts from their expressions in his hand—and he would ask whether these words indicated the spirit in which those gentlemen were appointed to carry out the work? When one Commissioner was found denying the right of owners of property to control the disposition of it for more than 50 years after their death, and when another was found declaring that it was the duty of the State to apply endowments to some more desirable purpose than that desired by the founder, attention was naturally challenged by their statements; and when his noble Friend found fault with the action of the Commissioners, he found fault with their action not in their individual, but in their corporate capacity. The fault he found with them was not that they did not do their best to apply their principles to the schools, but that from the first they misunderstood the principles which ought to guide them in dealing with endowments. This was the reason why he was unwilling to entrust them with a continuance of their powers, and the question arose, what was to be done? Were these gentlemen to be retained, and fresh persons added to the Commission, or were others to be appointed in whom more confidence could be placed? He, for one, thought the Government adopted a wise course in handing the matter over to the Charity Commissioners, who were a permanent body, which the Endowed Schools Commissioners were not intended to be. If there was one thing the Government felt strongly, it was that on this subject agitation should not be kept up from year to year; it was much better that by a large expenditure the matter should be settled at once. Therefore, it was proposed, not merely that two Commissioners should be added to the Charity Commissioners, but that they should have a large staff of Assistant Commissioners, who would give them material help in carrying out their schemes. As to the 4th and 5th clauses of the Bill, the right hon. Gentleman (Mr. Lyon Playfair) seemed not only to have proved his own case to his own satisfaction, but

to have proved so much more that his own case broke down. He said that before 1779, there was no other body but the Church to which money could be left for the purposes of Grammar Schools, and therefore money must be taken to have been left to the Church; but if the persons could have had their own will and pleasure, the money would probably have been left among the Dissenters. If, down to the year 1779 all the money was necessarily left to the Church Schools, and could not otherwise have been left, what was the meaning of the Act of 1869? When the Government was charged with introducing a new principle, he ventured to state there was no new principle. The principle of the Bill was the principle laid down by the right hon. Member for Bradford in 1869. Then, it was the principle which was introduced by the Toleration Act, going back to all times and extending to all schools. If all were in the same category, why did the Bill of 1869 draw a distinction between those endowments in which there were express terms, and those in which there were not? The principle of the Bill was the same as the Act of 1869, which excepted any endowment the scholars of which were—

“Required by the express terms of the original instrument of foundation or of the statutes or regulation made by the founder or under his authority, in his life-time or within 50 years after his death (which term has been observed down to the commencement of this Act), to learn or to be instructed according to the doctrines or formularies of any particular Church, sect, or denomination.”

The right hon. Member's argument broke down entirely, and the principle the Government was contending for was the principle of the Act of 1869. It was this principle which the Commissioners had been endeavouring during their whole term of office to destroy. The same principle was embodied in an Act of 1873, brought in by the right hon. Member for Bradford. What the Government had done was not to ingraft a new principle, but to extend the old one that endowments left for Church of England schools should not be applied to other purposes. This was the principle of the Act of 1869, and the Government only extended it because it had been evaded by the action of the Commissioners. Fault was found with the Preamble of the Bill because it spoke of promoting liberal education, and it was said

there was nothing in the Bill to do that; but it would do so by causing attention to be paid to the main designs of pious founders of endowed schools in regard to them. So far as the Commissioners would endeavour to proceed in the lines laid down by pious founders, so far were the Government content to leave the matter in their hands; but it was when they gave up these lines and went upon new ones, as the decisions of this House showed they had, the Government thought interference necessary. It was for the interests of education, elementary, middle, and higher, that the House should not by its legislation—by limitation to 50 years, or the appropriation of endowments—dry up the fountains of charity; and, as the Bill would do more to further education in this way than could be done by other means, he hoped it would be passed in its integrity.

MR. GLADSTONE said: Mr. Speaker, the views of Gentlemen sitting on this side of the House have been expressed with much ability by those who have preceded me, and I therefore do not think it necessary for me to enter in detail into many questions which have been discussed to-night. Indeed, there are a number of points upon which, it appears to me, there is but little difference of opinion; but I wish briefly to run over what appear to me to be the main points of this discussion; and, first, I must refer to that which certainly is not the least disagreeable amongst them—namely, the manner in which the Endowed Schools Commissioners have been treated by the noble Lord who introduced the Bill. I have no doubt the noble Lord himself is under a totally different impression; but it is right that he should know that to all those who feel an interest in the character and reputation of those Commissioners, and to all those who sit on this side of the House, it appeared that his comments upon them were distinguished by an unmerited harshness; and, moreover, that they were of a nature which I will venture to say is not usual to pass between Members of the Executive Government and Members of a Commission who share with the Executive Government the honour of serving the country. Why is it, Sir, that the Commissioners are to be dismissed? The right hon. Gentleman who has just sat down endeavoured to

fasten upon us the responsibility of their dismissal. He stated that it was by an act that they were left in their present state of suspended animation. Well, Sir, he knows perfectly well—and I am sure who have paid much less attention to the current Business of Parliament than he has done must know perfectly well—how it came about that the Commissioners received a renewal of office for one year. The late Government introduced a Bill renewing the office of the Commissioners for a term of years. The Bill went to the House of Lords, and then we found ourselves compelled to accept a reduced term of one year or to be content with the sudden and immediate extinction of the Commission. Together with the total confusion in which the business would have been thrown thereby. That was not the fault of the Government or of the majority of the House of Commons, but of the Friends of the right hon. Gentleman in the House of Lords, who compelled us to accept the reduced term as the lesser of two evils. Why, Sir, are these Commissioners to be thus summarily set about their business with the pleasant epitaph that the noble Lord proposes to inscribe upon their tombs? The right hon. Gentleman who has just sat down has argued ingeniously that it is because they departed from the spirit of the instructions by which they were appointed to their office; that they had departed from the substance of the terms in which they received their appointment; and that the Government were therefore entitled to bring their existence to a close. Undoubtedly, so far as the majority of the House of Lords, in the last Parliament, is concerned, the right hon. Gentleman has some justification for his observation. The acts of the Commissioners were, in a variety of instances, disapproved in the House of Lords; but is that an argument for the House of Commons, and does it entitle the House to state that the Commissioners offended against the understanding on which they were appointed? In the last Parliament Members of the House of Commons questioned and objected to many of the schemes of the Commissioners, and class combinations more formidable, perhaps, than any that have been seen in this House before, were arrayed against them, but when it came to the test, the schemes received the

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cisive approbation of the House. I am not going now to enter into the question of what the majority of the new House of Commons is entitled to do—what I want to show is this, that the Commission acted distinctly in the spirit in which it was appointed and commissioned to act, and that they are now about to be dismissed for fidelity in the execution of their trust. The right hon. Gentleman appears to think that the duty of those who belong to the majority of the House of Commons is to recognize the voice of the majority of the House of Lords, adverse though it may be to them on this particular question, and upon any other question where that majority finds it convenient so to act, to recognize that as the highest authority—[“Oh, oh!”]—superior to the judgment of the popular branch of the Legislature from which these Commissioners derived their charge. Sir, these Commissioners are to be dismissed, as was said by my hon. Friend the Member for Mid-Somerset (Mr. Neville-Grenville), because they are unpopular. I do not deny that they may have been so. I know very few persons who have been appointed in this country to discharge duties on the part of the public and for the interest of the public in the face of class interest, in the face of local interest, and in the face of cliques and combinations, who have not been unpopular. Why, Sir, my hon. Friend himself, if he does not take good care, will be unpopular. He gave us an example of it in his speech. He made a most excellent recommendation, for which I give him all possible credit, an appeal to the Chancellor of the Exchequer, which, however, was not replied to from the Treasury Bench, to the effect that these Commissioners ought to be self-supporting; that the charities ought to pay the expense of their own administration; and that a Bill ought to be introduced to tax them for the purpose. Will my hon. Friend consent to have that suggestion tried by the test of its popularity? I do not know whether he is competent to move an Address to that effect; but if he does, and then goes down into Somerset, where he has been in such sympathetic communication with these charities, and puts himself before the constituency as an heroic Member who has set himself to tax these charities, he will very soon find what has become of his popularity. The

old Commission, then, as we contend, is to be dismissed for fidelity. The judgment of the House of Commons approved of every scheme which these Commissioners passed, and we, until a majority of this House has given an opposite vote, are entitled to stand on the judgment of that House of Commons. However, it has now been proposed by the Government that the Commissioners shall receive capital punishment, and the business of the Commissioners is to be transferred to the Charity Commissioners. Strange to say, although the business of the Charity Commissioners is in this way undergoing, or about to undergo, the most important change which can be conceived, the noble Lord has not favoured us with one syllable of information as to the view taken by these Charity Commissioners of the almost revolutionary change to which the office of the Endowed Schools Commissioners is about to be subjected. [“Oh, oh!”] Not one syllable of information has been given on that subject. I hope, before the conclusion of the debate, such information will be given; and, undoubtedly, if it is not given, we shall be left to form our own inferences, and we may come to the conclusion either that the answer received from the Commissioners was not what was desired, or that they were not communicated with on the subject for fear of such an answer. What is to be the nature of the Commission, and what is to be the basis upon which the business is to be conducted in the future? With great modesty the noble Lord has refrained from referring to the important part which it will be in his own power to play in the future scheme for dealing with endowed schools. Under the existing law there has been a well divided, and a well-defined responsibility. The business of the preparation of schemes has been committed, by the deliberate judgment of Parliament, to a body from which political influence, properly so called, and the influence of the Executive Government, was entirely excluded. These schemes were framed by an independent authority, and the schemes so framed were at the proper stage referred to the Department of the Government which passed an independent judgment upon them. These schemes could not come before the House without the fiat

and the sanction of the Executive Government; but when they came before the House they came before it in such a way that the House understood perfectly well with what it was dealing—namely, the judgment of an independent body, and the affixed judgment of the Department of the Executive Government. Is that wise division of responsibility mentioned under the plan of the noble Lord? We are now to refer these important duties to men who have other extremely important duties to perform—other duties from which, according to the judgment of Parliament in 1869, it was important for the public interest to separate the business of the endowed schools. But who are the Charity Commissioners? The noble Lord is one of them. He is as much entitled to attend the meetings of the Charity Commission as any of the Commissioners. I want to know whether the expression of a political party which is in a majority is to be the function of the Commission to whose authority we are hereafter to trust these schemes? If we are to enter upon the business of undoing the legislation of a preceding Parliament, with the politics of which the majority do not agree, it is important we should know how far the process is to go. This is apparently a first and experimental step—and we have no assurance that it is to be the last. We are left to judge for ourselves and to see how far the arguments used will carry the men who have made use of them. Is it intended to repeal the Act for abolishing tests in the Universities? ["Oh!"] That part of the House which cannot answer my challenge says "Oh;" but I hope we shall have a more articulate answer from the Government. The arguments used by the right hon. Gentleman (Mr. Cross) and the noble Lord apply with greater force to the Universities than they do to the Grammar Schools. A recent case is stronger than the voice either of a majority or a minority, and, in a country like this, logical consistency, slowly worked out, has a great tendency to govern the ultimate conclusions of the Legislature. Does any hon. Gentleman think there is a smaller title on the part of the Church to the enjoyment of University endowments than there is to the endowments of the Grammar Schools? With regard to the Universities alone the question stands, perhaps, much on the

same footing because the endowments of the Universities are almost *nil*. But when we turn to the Colleges we find that the intention of their founders was to devote the endowments which they left to the maintenance not only of a national religion, but to the payment of the clerical professors of that religion. The proportion of College endowments originally given to laymen is so small that in a general argument it may be fairly overlooked. The argument for exclusive endowment in their case is stronger than the title to the enjoyment of the endowments of the Grammar Schools. We have a right to know not only what are the intentions of the Government, but, on what principle it is, that if they claim the Grammar Schools they do not claim the Universities; or how it is that if they succeed in pressing the claims to the Grammar Schools, they are to resist the demands of those who congratulate them on the success of their first attempts, and encourage them to go on, to close the Universities, and to restore the endowments of the Colleges to the exclusive religious appropriation to which they were originally devoted? I am opposed to this Bill on three grounds—because it is inequitable, unusual, and most unwise. I deeply regret that we are again involved in a controversy partaking of a religious character—in this, the first of the tranquil years in which we were assured, on the highest authority, we should enjoy the beneficent sway of a Conservative Government, which was to tranquilize the proceedings of its unruly Predecessors, but which has been a year distinguished beyond all others within moderate memory for the number of strictly religious controversies which have been brought upon the floor of Parliament. I contend that this Bill is inequitable, and I will state frankly how I make good that proposition. We have, I believe, about 800 of these Grammar Schools. The Toleration Act has been spoken of as an important epoch, and it is, in reference to the principles of law which may properly be applied to the management of those schools; because, obviously, the argument, whatever it may be, is not exactly the same when applied to the exclusive use of these endowments at a time when the foundation of any schools, except in connection with the dominant religion, is not allowed, and at another period when

it is permitted to found schools not absolutely attached to the dominant religion. But this Bill asserts an exclusive claim, with the exception of a Conscience Clause, to the enjoyment of the revenues of nearly all the schools that were founded anterior to the Toleration Act. I do not wish to overstate the case, and that may not be literally correct, but I apprehend that to be the effect of the Bill, to claim exclusively for the Church of England in the matter of religion, all schools founded before the Act of Toleration, and I will go so far as to say all schools founded before the Restoration of Charles II.—a difference as to time important to bear in mind in the consideration of this question. I believe the number of schools founded before the Toleration Act was 584. Out of these, 100 were founded between the Restoration and the Revolution, in the reigns of Charles II. and James II., reducing them to 484. If for the sake of simplifying the argument we cut off the 30 founded before the Reformation we shall leave a total of 454 Grammar Schools which were founded between 1530 and 1660. They form the main object of the attack of this Bill, and the doctrine laid down is that to these schools and their endowments the Church of England as it now exists is in equity absolutely entitled. That is the proposition I directly challenge. I say, the Church of England as it now exists, has no such title to the endowments given for the purposes of education, and of religious education, between 1530 and 1660. And why, Sir? Because, though, during that period, the Church of England represented parties in deadly conflict with one another, the whole nation was still combined within her borders. It was not allowed to exist outside the Church of England. Any man who wished to live at all must live within the Church of England. There was a constant struggle between Puritan and Episcopalian—corresponding to what we now mean by Churchmen and Non-conformists—in the reigns of Elizabeth, James, and Charles, until in the reign of Charles, the crisis seemed to come, under the pressure of the Episcopalian party. Another crisis came at the Restoration, when Dissent became a living entity known to the law, and sustained by no less than 2,000 ministers, who on St. Bartholomew's Day abandoned their temporalities in order to assert their

principles. But between 1530 and 1660 all these were in the Church alike, and the fact that during those 130 years a man who founded a school expressed a desire that Church instruction should be given, signifies nothing whatever towards establishing an exclusive title on the part of the Church of the present day. At the Restoration, the triumph—the word is painful when applied to religious controversy—of the Church party was definitively obtained, when the Act of Uniformity was passed as the legislative basis of the Reformed Church of England. The Puritans then for the first time departed from the tenets of the Church, and Dissent became a separate existence. From that time forward you have some title to say that a man who left his money to the Church knew what he was doing, and that he was leaving it to Churchmanship as opposed to Non-conformity; but before 1660 such a fact carries you no way to your conclusion, because each was entitled to say that he gave his endowment in the hope of the triumph of the principles which he believed to be true. If that be so—and I should like to see how it is to be overthrown in argument—it is most inequitable on the part of the Church of England, in virtue of the triumph of 1660, to set up an exclusive claim to these endowments. And this is not the first time that the House of Commons has recognized the importance of the date in question, because in connection with the Irish Church Bill we had to face the very same question. From that date was it that the Irish Church became entitled to claim endowments as having been given to her in her specific character as a Reformed Episcopalian Church; and in the 29th clause of that Act it was laid down that 1660 was the year before which whatever had been given to the Church was to be considered as thrown into the National Treasury, and as open to be dealt with by Parliament as part of the national property. Then, Sir, if that be so, it is a mild word—and a mild word is the best—to say this Bill is inequitable. I say next it is unusual, and I apprehend that the proof of that allegation is quite as easy as the proof of the former one. A change has taken place in the composition of this House. Those who were the majority are the minority. The hon. Member for Leeds (Mr. Wheelhouse) recognizes in that fact the sweep of a tre-

mendous judgment from on high. According to him it appears that our passing this Endowed Schools Bill, far more than some more vulgar causes and considerations we heard of at the time, influenced the elections. He is a man who has studied the high moral elements of the case. Well, that is a view the truth of which I will not contest. It may be—though I do not know it—that the hon. Member stands in the foremost ranks of our philosophical observers of the affairs of men and nations; but I think it is a rash and dangerous practice for any hon. Member of this House, whenever a change has taken place in the position of parties, favourable to his own view, to discover in it the indications of the will of Providence with reference to some subject in which he is specially interested. No man can have a more reverent regard for Providence than I have; but this appropriation of Providence, its dignity, and its power, to the use of individual Members in their comments upon political affairs I consider to be a practice against which it is our duty to protest. This is a Bill for undoing part of the work of the last Parliament. It is in that respect unusual. I do not wish to deny or to qualify or weaken the fact that the party which sits opposite possesses, after having been many years in a minority, a large majority. What I wish to point out is this, that the history of our country for the last 40 or 50 years, presents to us, as a general rule, this remarkable picture: The initiative of policy in almost every instance—I do not know of even one exception—both of administrative and legislative, was supplied by the Liberal party, and subsequently adopted in prudence and in honesty by the party which is called Conservative. Take the financial—take the colonial—take any of the Departments; and I venture to say that you will find that this is a true description of the history of which we have all been witnesses. When the Conservative Government came into power in 1834, and again in 1841, after the first Reform Act had been the subject of a long dispute and much contention, there was absolute security in the mind of the country and full conviction that the party coming into office would not be so unwise and so unpatriotic as to retrace the steps taken by their Predecessors. This is the first instance on record, so far as I have been

able to ascertain, of any deliberate attempt being made by a Ministry at retrogression. I invite the right hon. Gentleman who appears inclined to follow me—I invite hon. Gentlemen on either side of the House, to tell me, do they know of any other such instance, except, perhaps, the one which happened a century and a half ago? I allude to the case of the Presbyterian Establishment, which had been placed in possession of ecclesiastical patronage in Scotland in the time of William III. There then came a Tory Ministry into power, who, in the early years of the reign of Queen Anne, made an attempt at passing a re-actionary Bill. This Ministry introduced the measure which we now hear so much about for the establishment of patronage in the Church of Scotland. This involved the repeal of the previous Act of William III. This is the only solitary instance to which Her Majesty's Government can refer. And what an instance!—an instance that brought about the passage of the Act which the same party now proposes to repeal, because it was an Act of retrogression, and because it interfered with the integrity of the Presbyterian constitution. That, then, is the only instance of any similar course that can be adduced in support of the ill-omened Bill we are now invited to vote for. If that be so—if this be a most unusual step—it is also as unwise as it is unusual. What does this Bill amount to? The right hon. Gentleman who has just sat down has said that this is one of the legacies which have been left by the Liberal Government. Yes; there have been a great many legacies left by the Liberal Government. The policy which at present governs every Department of the State is part of the legacy left by the Liberal Government. The right hon. Gentleman and his party ought to be more grateful for those Liberal legacies on which they will have to live as a Ministry. What are we now asked to do? The majority of this Parliament is invited to undo the work of their Predecessors in office in defiance of precedents which I should weary the House by enumerating, so great are their number and uniformity. It is rather remarkable that what is now the majority is about to undo an Act which they had never opposed in its passage. I believe that the conditions with reference to

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schools before the Toleration Act and before the Reformation were carried in this House without a division. I believe I am even strictly correct in saying that this provision was not only agreed to without a division, but without an adverse voice when the Question was put from the Chair. Yet, they now avail themselves of the first opportunity they have, to attempt to repeal what they did not object to when it was before Parliament. Is this wise? Is it politic? Is it favourable to the true interests of the Established Church? Is it well that the members of that great and wealthy Body should be represented as struggling at every instant to keep their hands upon the pounds, shillings, and pence, whatever else may be in danger? I am quite sure that there are multitudes of the laity of that Church who do not take this said view; but the introduction and promotion of a Bill of this nature, in defiance of all the principles of equity, will raise some such consideration in the minds of a large proportion of the population of the country. What has been the judgment generally passed upon us by foreign authors—men of the highest weight and importance in their respective countries? They have often told truths of which we should not be fully aware from our own observation. What have they told us of their judgment of the course and conduct of the British Legislature? If you consult any one of those great political writers who adorn the literature of their own countries, you will find their language respecting us uniform. When they look at our political constitution they are struck by the multitude of obstructions which for the defence of minorities we allow to be placed in the way of legislation. They are struck by observing that the immediate result is great slowness in the steps we take, but when they refer to the consequences of this slowness they find one great and powerful compensation, and it is that in England all progress is sure. *Vestigia nulla retrorsum*. Whatever has been once decided—whatever has once taken its place in the Statute Book or has been adopted in our administration, no feelings of party, and no vicissitudes of majorities or minorities, are allowed to draw the nation into the dangerous, though they may be the seductive, paths of retrogression. That is the principle to which we appeal, and, even were the rights of

the case less clear, even were it equitable instead of inequitable for the Church to make the claims which are made in her behalf by the Government, most unwise would it be on the part of any Administration—and, of all others, most unwise on the part of a Conservative Administration—to give a shock to one of the great guiding principles and laws which have governed the policy of this country throughout a course of many generations, and the solidity and security of which is one of the main guarantees of the interests we possess, and the liberty we enjoy.

MR. GATHORNE HARDY said, he wished to be allowed to say a few words on the subject of the Bill now before the House. The right hon. Gentleman had called the Bill inequitable, unusual, and unwise. He knew that these sentiments had been echoed by those who sat behind the right hon. Gentleman, but he trusted that he might be allowed to express his opinion with the same freedom which the right hon. Gentleman had employed. And first of all, with reference to the unwisdom of the measure, the Government must take the responsibility of its own acts as far as that was concerned. The right hon. Gentleman volunteered to say that the supporters of the Church were in this instance looking to mere pounds, shillings, and pence; but he (Mr. G. Hardy) ventured to say that they were looking not so much to the interests of the Church as to her duties, and they were not going to shrink from their responsibility because these interests happened to involve a question of pounds, shillings, and pence. It was for these reasons that he advocated the present Bill. Would the right hon. Gentleman who said that the present Government had taken an unusual course maintain that one Parliament had no right to interfere with what had been done by a previous Parliament, even when the liberties of England had been overturned? When Romanism had been restored, ought not a subsequent Parliament to have had the opportunity of restoring Protestantism? If the Church, the Crown, and the House of Lords were to be abolished, what better could be done than to restore them? He should like to know whether they were to leave everything without amendment, or whether it was only their immediate Predecessors who were to be entitled to

make alterations? With regard to this Act, which the right hon. Gentleman had treated with such solemnity, the Government were doing nothing more than he and his Government did last year. A Bill was introduced in 1869, which, by the admission of the Commissioners themselves, contained a clause so imperfect in its terms that they could not explain it to their own satisfaction, and, therefore, had to ask for legal advice on the matter. A Committee was accordingly appointed last year, and to the credit of the right hon. Gentleman (Mr. Forster) he must say that he adopted every decision of the Committee, and he admitted that the Bill founded upon the deliberations of that Committee was as much an undoing of the Act of 1869 as the Bill before the House could be said to be. The Act of 1873 was passed with, he supposed, the view of improving the Act as it stood before. It was passed with reference to that special clause with regard to "express terms." And when the right hon. Gentleman said that was an inequitable proceeding on their part, he asked, how the right hon. Gentleman, as the head of the then Government, should have introduced Clause 19 of the original Endowed Schools Act, which contained the very principle embodied in the present Bill? The right hon. Gentleman said, up to the time of Charles II. there were parties in the Church struggling for supremacy, and, therefore, what was given at that period was given, he supposed, to be scrambled for by those who could get it. But the principle which the right hon. Gentleman introduced into his own Bill was totally inconsistent with that argument, because its 19th section contained those very words "express terms," without any limitation of time, and went back to the earliest period of the foundation of any schools of that description, whether in the reign of Henry VIII., Edward VI., Elizabeth, or any subsequent Sovereign down to Charles II. The Commissioners whom the right hon. Gentleman had so much eulogized were bound to act on that principle, and they did act upon it; and the right hon. Gentleman sat by and allowed that horrible iniquity to be committed. Therefore, in the case of Wakefield, which was even before the time of James I., as also in the case of Sherborne, those words in respect to "express terms" were held to bind the

Commissioners to give those schools over to the Church of England. But then, the right hon. Gentleman said, the Government were bound to tell the House what they were going to do in the future. Well, they were only about to act on the principle of the right hon. Gentleman himself, and to do what he did in 1873 by the amendment of a single clause in the Endowed Schools Act. If, in the process of making a small amendment, they followed the right hon. Gentleman, the step they were taking ought not to be exaggerated to the enormous proportions to which the right hon. Gentleman had magnified it. They were only acting on the same principles as the right hon. Gentleman had done, though to a greater extent; and it did not therefore lie in his mouth to charge them with inequitable conduct. The right hon. Gentleman asked whether they meant to repeal the University Tests Act. The right hon. Gentleman (Mr. Gladstone) knew how long he had himself taken an active part in the opposition to that Act. He (Mr. G. Hardy) had also opposed it to the end, and would not say even now that he did not regret its passing, nor that he deemed it absolutely just; but it had been passed, and the matter, therefore, was not as open as was the case with the question of that Endowed Schools Commission, which had been avowedly appointed only for a limited period, and was yet engaged in its work. With regard to the proposal to confer powers on the Charity Commission, so far as he knew they were prepared to accept the powers possessed by the Endowed Schools Commissioners, and no doubt those gentlemen would discharge their duties with fidelity, as the Endowed Schools Commissioners did theirs, for no one would impute bad faith to any one of them. They performed their duties with honesty and uprightness, and to the best of their ability, in accordance with the law they had to administer. So far as the Charity Commissioners were concerned, they were not so ignorant of the duties proposed to be intrusted to them as the right hon. Gentleman supposed. They were in the habit of preparing schemes for schools; and when he was told that his noble Friend was to take two parts—first of all to sit at the Charity Board, and next to revise their decisions—the right hon. Gentleman must know that he had himself been

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officially connected with many Boards at which he never really sat, and the right hon. Gentleman the Member for Bradford had told the House that he himself ceased to sit at the Charity Board because he found that he could not exercise the influence which he felt he ought to do as a Minister of State. His noble Friend would act in the same spirit, more especially when he was called upon as Vice President, in conjunction with the President, to assume the responsibility which the right hon. Gentleman felt rested upon him in respect of the schemes which had to be presented to Parliament. They would, therefore, have in the first instance the independent action of the Charity Commissioners; and in the next place, the Ministers of State acting upon their responsibility. The right hon. Gentleman the Member for Greenwich had said that many of the schemes were not overthrown by the House of Commons. That was quite true. The right hon. Gentleman represented a Government strong enough to take care that the schemes which they presented to this House on their own responsibility should not be overthrown; but many more would have been overthrown but for the alterations in the Bill of last year proposed by the right hon. Gentleman the Member for Bradford. Then, it was said that they were dealing unjustly with the Commissioners who had undertaken these arduous duties; but neither his noble Friend nor any of them had been guilty of any want of fairness or justice towards the nobleman and the two gentlemen who had undertaken to carry out the functions of this Commission. But whether they had been right or wrong, the Commissioners had been thoroughly condemned by the country; if they had been right, they had been felt to be wrong by the country. They had been, to some extent, at least, condemned by the Committee which sat last year, in the early paragraphs of their Report. They had not succeeded in bringing about a union between themselves and the trustees of those various charities so as to effect a reform of those institutions on an amicable footing. And it was because they had not acted in conjunction and in friendly harmony with the trustees of those charities with a view to accomplish their reform, and because there had consequently been heart-burnings in pa-

ishes, and bodies of trustees throughout the country had been set against them; for that reason, and not from any hostility to the Commissioners themselves, the Government had taken what he admitted was the somewhat invidious and painful course of allowing the Commission to come to an end and instituting another for the same purpose. As to the Government taking for the Church what belonged to the nation, he entirely repudiated that charge. In his view, national rights were not impaired by religious duties and religious responsibilities. If those schools were thrown open to the nation for secular instruction, and for religious instruction to all who would avail themselves of it, they were acting in the spirit of a nation which had a national Church and a national religion. They were offering religion to all, and forcing it on none. Everybody might come in and partake or abstain from partaking of what they offered; but in the meantime he said that a definite religious teaching was the only sound religious teaching that could be relied upon. The right hon. Member for the University of Edinburgh (Mr. Lyon Playfair) said they had adopted a Preamble that was inconsistent with former Bills; but he ought to know that that Bill was to be read with the two previous Acts; and it was because of the imperfection in the original Act—the main design of the founder being treated as if it was the promotion of a liberal education without including religion—that they introduced into the present Preamble words indicating that they did not view any education as really liberal which was not connected with religion. Then, why were they not to use the endowments, according to the will of the founder, for religious as well as for secular instruction, when he intended them to be devoted to both? Where a question of public policy was involved—where, for example, a charity did more harm than good, pauperizing and demoralizing the people—then the State would have a right to interfere and turn those endowments to advantageous purposes. But when they could not put their finger on a blot and say that the religious teaching contemplated was pernicious or was against public policy, then he maintained that they had a right to follow the founder's intentions in respect to religious as well as to secular instruc-

tion. There was, he believed, a great future in store for these endowments. He did not wish to check that spirit of endowment which was still rife in this country. A right hon. Friend of his, who sat opposite (Mr. Lowe), had written a pamphlet to show how disadvantageous endowments were, and how much better we should be without them; but in his (Mr. Hardy's) opinion the system of endowments, combined with a careful inspection by the State, secured a fixity and permanence which were most important, and which, perhaps, could not otherwise be attained. The great fault in times past had been in the want of a sufficient inspection on the part of the State, and the State had come forward at last to condemn negligence which she had herself condoned. Now, he trusted they would go on in a different path, and, acting on the provisions of the present Bill, which had been brought in, not for the abrogation, but for the extension in degree, of the principle laid

down by the late Government, would see that these endowments were properly administered for the benefit of the people of England.

Question put.

The House divided :—Ayes 291 ; Noes 209 : Majority 82.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *Monday* next.

POLICE FORCE [EXPENSES].

Resolution [July 13] *reported* ;

"That it is expedient to repeal so much of any Act as limits the amount to be contributed by the Commissioners of Her Majesty's Treasury, out of moneys to be provided by Parliament, towards the expenses of any Police Force in Great Britain."

Resolution *agreed to* :— Bill *ordered to be* brought in by Mr. RAIKER, Mr. Secretary CROSS, and Mr. WILLIAM HENRY SMITH.

House adjourned at a quarter before Three o'clock.

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APPENDIX.

INNS OF COURT BILL.

The following is a Revised Report of Lord SELBORNE's Speech on the First Reading of the Inns of Court Bill, in the House of Lords, July 10, 1874.

LORD SELBORNE, in calling attention to the constitution of the Inns of Court and to the subject of legal education, said, that for many years past those subjects had been a great deal before Parliament. They were considered by a Committee of the House of Commons in 1846, and by a Royal Commission in 1854; and some five or six years ago an active movement for the improvement of the existing system of legal education was commenced by a society which received a large amount of support from both branches of the legal profession. In the meantime, much had been done by the Inns of Court for the improvement of the education of their own members. In all he had to say, he intended to speak with respect of those learned bodies; but, with a full knowledge of what they had done to improve legal education in this country, he still thought it quite insufficient to meet the exigencies of the case, and he hoped that much more would be done hereafter to complete that work. He intended to submit to their Lordships two Bills—one relating to the Inns of Court, and the other to legal education—subjects having a near connection, but which he thought it would be advisable to treat in separate Bills. The first Bill he proposed to lay on the Table was one for the incorporation of the Inns of Court and the regulation of their affairs. Those Inns were very ancient institutions, for they could be traced back to the date of a Parliamentary Commission issued in

the days of the Plantagenets, and he ventured with confidence to say that they discharged public functions, and public functions of the greatest importance. They had been in a variety of ways recognized by Parliament. In 1854 it was referred to a Royal Commission—

“To inquire into the arrangements of the Inns of Court, for promoting the study of Law and Jurisprudence, the revenues properly applicable to that purpose, and the means most likely to secure a systematic and sound education of students of Law, and provide satisfactory tests of fitness for admission to the Bar.”

In the Report of that Commission it was stated—

“None of the Inns are corporate bodies; they are merely voluntary societies, and a great part of their income is still derived from the contributions of their members.”

He thought, however, that these Societies could scarcely be described as voluntary, because admission to one of them was essential in the case of every person desirous of being called to the Bar, and certain payments had to be made by every person who was so admitted. With regard to two of these Societies, it appeared they held very large property, which was expressly granted to them on a public trust; and, though the same kind of evidence of a public trust might not exist in the case of the other two, he considered it impossible for a single moment to take any other view than that all the Inns of Court were discharging public functions, that they were clothed with great public privileges, and that they held their property solely for public

purposes. The Report of the Commission stated—

"We conceive that as regards the Temples a direct trust arises by the acceptance of the grant made by James I.; and in justice to the Benchers, who form the governing body of each Inn of Court, we are bound to observe that there is every disposition on their part to render the funds of the Societies available for the purpose of Education of the students, whether such trust exist or not."

He did not think their Lordships would hesitate to agree that, the Inns of Court being invested with a public character and invested with a public responsibility, though they were not in law corporations, it would be proper and expedient that they should be legally incorporated. With regard to the position of the Inns of Court towards the community, the Royal Commissioners made these observations—

"As regards the duty which the Inns of Court owe to the community, whilst conferring on individuals the right of practising at the Bar, it will be proper to call attention to the privileges incident to the *status* of a Barrister. He alone is allowed to plead for others in the Superior Courts of Westminster, and he is not responsible to his clients for negligence or otherwise. He alone is eligible for numerous appointments of considerable emolument and responsibility in this country, including not only the higher judicial appointments, but also the offices of Recorder, Judge of a County Court, or Commissioner of Bankruptcy, and Revising Barrister. The Police Magistrates of the Metropolis also are now selected from the Bar. In the Colonies the judicial appointments open to Barristers only are also numerous. The Inns of Court being intrusted with the exclusive right of conferring or withholding a position to which such privileges as we have enumerated are incident, the community is surely entitled to require some guarantee—first, for the personal character, and next for the professional qualifications of the individuals called to the Bar. The only security at present possessed by those who employ a Barrister as counsel consists in this—that any defect in the Advocate may lead to the loss of practice. But there is not even such security against the appointment of an unfit person to any of the judicial offices to which we have referred. As regards the moral character of the Barrister, considerable attention appears at all times to have been directed by the Societies to the exclusion of persons against whom any grave delinquency can be alleged from admission to the Society in the first instance, or to the Bar if it be discovered at a later stage. Farther than this, the Societies possess, and have on recent occasions exercised, the power of 'dis-barring,' or visiting with other severe penalties, after due inquiry, any person who has properly deserved such reprobation, their decision in this respect being subject to an appeal to the Judges. We are of opinion that these precautions have been generally sufficient to prevent any injurious effect to the community with respect to moral impropriety or misconduct in Barristers."

Now, supposing it to be right that the Inns of Court should exercise the disciplinary power spoken of by the Commissioners, there were at present serious impediments in the way of its due exercise. He would not like to state what might occur—and indeed, what had sometimes occurred—in the exercise of that authority. A large number of Benchers might assemble together to investigate a case, but they had no settled legal mode of proceeding; they had no power to administer an oath, and they were not surrounded by those safeguards which every public body discharging such functions should have the advantage of. The Commission of 1854 recommended that the Inns of Court should be united in one University for the purpose of legal education, but retaining each its separate collegiate character. His noble and learned Friend on the Woolsack asked the Benchers of Lincoln's Inn in 1863 to assent to that recommendation, and on his motion they passed this Resolution:—

"That in the opinion of this Bench, the creation of a Legal University to which the various Inns of Court might be affiliated, and through which legal degrees might be conferred and discipline exercised, would be desirable."

He thought that, with the recommendation of the Commissioners and the authority of that Resolution, he had laid sufficient ground for the proposal he had now to make as to the incorporation of the Inns of Court with proper regulations for the conduct of their business. Early this year he drafted a Bill and circulated it in the hope that it would elicit useful suggestions for actual legislation. In that Bill he united the two subjects which he now proposed to treat in separate Bills. The Bill was circulated among the Judges, and it was sent to the Benchers of the Inns of Court; but he was bound to say that he did not get all the assistance he could have wished from those Societies. As was usual in such cases, they appointed a joint Committee, and an extremely short resolution came to him stating that they disapproved his draft Bill. Whether they disapproved particular provisions, or whether they disapproved the Inns of Court being dealt with in the same Bill as dealt with the subject of legal education, he did not know. But since then he had made himself acquainted with some, at least, of the objections enter-

tained by those whose opinions were entitled to respectful consideration to his draft scheme, and the Bill which he was now about to propose, and which he would ask their Lordships to read a first time, was in several respects different from that which he had submitted to the Inns of Court. The Bill after incorporating all the existing Inns of Court, proposed to fix a certain number of Benchers for each of the four Inns. What that number should be was, of course, open to discussion; but he proposed, as the final number to be attained by gradual reduction as vacancies might occur, 50 for Lincoln's Inn, 40 for the Inner Temple, 40 for the Middle Temple, and 20 for Gray's Inn. He thought they would not be too few—the only doubt he had was whether they might not be too numerous. Besides this limited number of ordinary members of the Bench, he proposed to leave without limit the power of associating with them distinguished persons not engaged in the practice of the law, as extraordinary members. The Prince of Wales and other members of the Royal Family, certain Privy Councillors, persons who had been Her Majesty's Judges, and other distinguished persons had done the Inns of Court the honour of becoming Benchers. He hoped that in future such distinguished persons would also be found among the Benchers, and he did not desire to place their election on any other footing than that on which it stood at present. But with respect to the election of ordinary Benchers on future vacancies, he proposed to make considerable changes. Hitherto the Governing Bodies of the Inns had been self-elected. The Benchers themselves elected to their own body. It had been hitherto the practice—the invariable practice in Lincoln's Inn, and the very general practice in the other Inns—to elect to the Bench all Queen's Counsel who were members of the Inn. The Queen's Counsel had now become so numerous that some restriction must be put on that practice, but it was the general one in all the Inns. Originally he proposed that the election of all the Benchers should be by all the barristers of the Inn, but he had modified that proposition. He now proposed that until the Benchers should be reduced to the number prescribed by the Bill, one only out of every two vacancies

should be filled up; and that the election of a Bencher to each second vacancy should be by barristers of five years' standing. After the reduction to the prescribed number, the election of a Master of the Bench to fill the vacancy should be alternately by the Benchers and alternately by practising barristers, members of the society, of five years' standing. It had been suggested to him that if the right of voting were given to all barristers, gentlemen who had been called to the Bar but did not practise might come up in great numbers and swamp the votes of the practising barristers. Though he did not himself think there would have been any great danger of that, he proposed by the present Bill that only practising barristers should have the right of voting. A roll of those barristers was to be prepared, but until that roll was made out, *The Law List* would be referred to, and a practising barrister would be taken to be a barrister who had chambers within the metropolis, or who practised on circuit or at sessions. With regard to the investigation of charges of misconduct brought against members of the profession, the Bill would create a proper tribunal for their hearing. The Judges of Her Majesty's High Court of Justice would be the Visitors. Then as regarded the property of the Corporation and the management of their affairs he proposed to retain the existing powers of the Governing Bodies; but, subject to necessary charges and outgoings, all surplus or residue was to be appropriated for the purposes of legal education. Such was the outline of the Bill to which, in concluding, he would ask their Lordships to give a first reading. As to the other branch of the subject, he was not prepared that evening to ask their Lordships to give the Bill a first reading, because it was not yet ready to be put into the printers' hands, but he would state its main provisions. He did not think it necessary to argue points which had been fully considered by a Committee of the House of Commons in 1846, and again by a Royal Commission in 1854, as to the importance of a sound and systematic study of the law to those who were to follow either branch of the legal profession. That branch of the profession which was composed of attorneys and solicitors long ago came to the con-

clusion that no young man ought to be admitted to it without having passed an examination; and long ago, also, considerable means of professional instruction were procured by that branch of the profession. In the meantime, attempts were made by the Inns of Court, and with some amount of success. What was done was perhaps as well done as it could have been under the circumstances, but the whole conception on which it proceeded was narrow. For a long time there was a hesitation to make examination indispensable before call to the Bar. He did not know whether it was in consequence of the movement of which he was the exponent in the other House of Parliament, or whether it was merely a coincidence, but after that movement had been set on foot, it was determined by the Inns of Court that an examination before call should be made indispensable, and this year witnessed the inauguration of that system. He looked on that as so much ground won, and not as any longer a matter of argument. The Association, whose objects commended themselves to his mind, as being on the whole, sound in their character, was anxious, if possible, to place the legal instruction of all—not only of barristers, but of both branches of the profession of the law, and also of all those who, though not looking to the practice of the law, might desire to attain a competent knowledge of the principles of jurisprudence, and of the laws of their country,—on as large and liberal a basis as possible. He thought that under the present system there was a great waste of power. It appeared to the members of the Association that there was no reason why all the available means of legal instruction should not be concentrated in one great public institution—call it a University or a School of Law, or what they would—and that all examinations which might be thought necessary for admission to either branch of the profession, and all instruction which it might be thought desirable to give to students seeking admission to either branch, should be conducted by that institution. It was proposed to admit to the instruction to be given under that institution not only young men who intended to follow the law as a profession, but all persons who might wish to know something of the law. He need not point out how

useful such a knowledge was, not only to gentlemen acting as magistrates and to the Members of either House of Parliament, but to every one who wished to enjoy a liberal education. The Universities had made great endeavours, and with a considerable degree of success, to induce their graduates to study law, and a very efficient school of law was one of the Faculties in the University of London. As there was some jealousy in respect of what were called “special Universities,” he proposed that under the Bill he intended introducing, the institution should be known as the General School of Law. He proposed that the Inns of Court should take an important part in that school, but that it should not be left entirely to them. The constitution which his Bill would provide was one consisting nominally of a Senate with the Lord Chancellor at its head, and ten members nominated by the Crown, who were not to be practising barristers or solicitors, but were to represent the general interests of society. Further, there were to be certain *ex officio* members—namely, the heads of the four principal Divisions of the High Court of Justice—the Master of the Rolls, the two Chief Justices, and the Lord Chief Baron—the Attorney General, the Solicitor General, and the President and last Ex-President of the Incorporated Law Society. There would be other members—barristers and solicitors. There would be ten of each. Four of the barristers were to be elected by the Inns of Court, and the six others by barristers of five years’ standing. Of the ten solicitors, four would be elected by the Incorporated Law Society, and the six others by the solicitors of standing equal to that of the barristers who were to vote. Such was the constitution of the Governing Body. The assistance of the Inns of Court would be sought to provide funds for the teaching power. Lord St. Leonards placed some money in his hands some years ago for an Exhibition, and that was accumulating; another gentleman had followed, and other persons would, no doubt, follow the example of that noble and learned Lord; and he was sure there would be such co-operation on the part of the Inns of Court that the teaching power would not be long in abeyance. According to the last accounts, the sums received annually in educational fees

under their examination system by the Inns of Court came to £4,000 or £5,000. Nearly an equal amount was received by the Incorporated Law Society from their system, so that he did not fear there would be any want of funds. He thought that if these two systems could be brought together they should get a strong teaching power. At the Inns of Court the attendance at lectures was no longer made a passport to the Bar. But the examination came in its stead; and the consequence, under the present exclusive arrangements was, that in the class-room and lecture-room the number of persons who were to be taught was narrowed, and, by diminishing the numbers, the more certainly would they diminish the vigour of the system, however good the lecturers and pupils might be. Some persons objected to the proposal that the lectures and classes should be opened indiscriminately, and that there should be no separation of the two branches of the legal profession. It was, of course, no part of his plan, that one branch of the profession should have power given to it to decide, practically, what should be the qualifications for the practice of the other. He proposed that, in the Senate, regulations as to the educational qualifications of barristers should be made by the preponderating vote of barristers, and regulations as to the educational qualifications of solicitors should in like manner be made by the preponderating vote of solicitors. But he must respectfully repudiate and protest against the notion that those who were to be barristers could gain anything by pursuing a separate legal education from that pursued by attorneys and solicitors before the real lines of demarcation came to be drawn. He held that up to the stage at which it was necessary for each branch of the profession to work within its own line, the students of both branches could pursue their studies together without any loss to the barristers, and to the great gain of the attorneys and solicitors, and through them of the public. He might in proof of this point refer to Scotland, where the Writers to the Signet, the solicitors, and the advocates studied together; and without any disparagement of the legal profession in this country, the legal profession of Scotland might be compared with it in regard to honour and educational attain-

ments. Though it was, perhaps, unusual for a man to quote himself, he would ask their Lordships to allow him to read some remarks he made three years ago on the subject of distinction of classes—

“We, on the other hand, thought that in every point of view that”—namely, the distinction of classes—“is unnecessary, and, if unnecessary in every point of view, unwise; unwise, because those distinctions do not really exist or the occasion for them arise till practice begins; unwise, because the more you divide classes and narrow the boundaries of your lecture-room, the more you diminish your chances of success and efficiency: your numbers must be reduced, and with numbers, emulation, zeal, and interest—the interest and zeal of the lecturers and the interest and zeal of the pupils. We think it unwise, also because it must be desirable that all those going to practise in any branch of the profession should be admitted, if they wish to be admitted, to the best system of instruction we can give them, and we think it would be inconceivably unwise to condemn, (if we could condemn) that branch of the profession in whose hands most emphatically are the fortunes of mankind, the confidences of mankind, the affairs of families, who have to conduct all personal communications with clients, from whom all business must come to the Bar, to a lower and inferior kind of preparatory education than the best which they are willing to receive.”

He knew that a number of the most eminent persons among the Judges approved the united system; he knew that at least very many of the Bar approved it; and he was quite sure that the great body of the attorneys and solicitors throughout the country cordially supported it and anxiously desired it. In that opinion he entirely concurred. In proposing these measures at that late period of the Session, he had not, of course, any idea of asking their Lordships to do more than give a first reading to the measure which he submitted to the House. What he desired was that they should be considered by their Lordships, that public opinion should be elicited upon them, and if, as he hoped and believed, that opinion would be in their favour, then—giving due weight to such criticism and suggestions as might be offered—he would take the sense of their Lordships' House in reference to them at an early period of next Session. The noble and learned Lord then *presented* “A Bill to incorporate the Inns of Court and to provide for the further administration of their affairs.”

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CCXX.

THIRD VOLUME OF SESSION 1874.

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When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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(Specially issued 5th May 1871.)

“Until further orders enlistments for the Foot Guards and Infantry of the Line are to be short service enlistments, i.e., for six years army service and six years reserve service without pension :”

And also any correspondence relating to

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Intoxicating Liquors, Consid. 82; cl. 4, Amendt. 96; cl. 27, 116, 119; Amendt. 173

Land Titles and Transfer, 1474

Public Worship Regulation, 2R. Motion for Adjournment, 1438, 1440

Supply—Report—Greenwich Hospital and School, 1477, 1483

[cont.]

China—State of Woosung Bar, Shanghai
Question, Mr. R. Reid; Answer, Mr. Bourke
July 2, 872

Churches and Chapels Exemption (Scotland) Bill
(*The Lord Steward*)

l. Read 2^o June 19 (No. 114)
Committee^{*}; Report June 22
Read 3^o June 23

Church of England

Convocation—Letters of Business, Question,
Mr. Horsman; Answer, Mr. Disraeli June 26,
513

"*First Fruits*" and "*Tenths*" of the Clergy,
Observations, Mr. Monk July 10, 1500;
[House counted out]

The Church in Gibraltar and Malta, Question,
Mr. Whalley; Answer, Mr. J. Lowther
June 30, 700

Church Patronage (Scotland) Bill
(*The Lord Advocate*)

c. Read 1^o June 18 [Bill 159]
Communicants—The Returns, Question, Mr.
M'Laren; Answer, The Lord Advocate
June 30, 699
Moved, "That the Bill be now read 2^o"
July 6, 1086
Amendt. to leave out from "That," and add
"this House considers it expedient to legis-
late on the subject of Patronage in the
Church of Scotland without further inquiry
and information" (*Mr. Baxter*) v.; Ques-
tion proposed, "That the words, &c.;"
after long debate, Moved, "That the Debate
be now adjourned" (*Mr. Edward Jenkins*);
after further short debate, Question put;
A. 166, N. 223; M. 57
Original Question again proposed; Moved,
"That this House do now adjourn" (*Mr.
Anderson*); after short debate, Question
put; A. 151, N. 215; M. 64
Original Question again proposed; Moved,
"That the Debate be adjourned till Monday
next" (*Dr. Cameron*); Question put, and
agreed to
Debate resumed July 13, 1527; after long
debate, Question put; A. 307, N. 109; M. 198
Division List, Ayes and Noes, 1601
Main Question put, and agreed to; Bill read 2^o

Church Rates Abolition (Scotland) Bill
(*Mr. M'Laren, Mr. Baxter, Mr. Trevelyan, Mr.
Grieve, Mr. Laing, Sir George Balfour, Dr.
Cameron*)

c. Moved, "That the Bill be now read 2^o"
July 8, 1282
Amendt. to leave out from "That," and add
"while not unwilling to consider any equitable
proposal for relieving fees in Scotland below
a fixed standard of annual value from assess-
ment for the erection and maintenance of
ecclesiastical buildings, this House is of
opinion that, without further inquiry, to ex-
empt the land generally from burdens inci-
dental to its tenure would be neither wise nor

Church Rates Abolition (Scotland) Bill—cont.
expedient" (*Colonel Alexander*) v.; Ques-
tion proposed, "That the words, &c.;"
after long debate, Amendt. and Motion
withdrawn; Bill withdrawn [Bill 26]

Civil Bill Courts (Ireland) Bill

(*Sir Colman O'Loughlin, Mr. Downing*)

c. Read 2^o June 22 [Bill 152]
Committee^{*}; Report June 25
Considered^{*} June 26 [Bill 174]
Read 3^o June 30
l. Read 1^o (*Lord O'Hagan*) July 2 (No. 146)
Bill read 2^o, after short debate July 9, 1340

Civil Service Commission—The Superannuation Act

Question, Mr. W. Gordon; Answer, The Chan-
cellor of the Exchequer July 7, 1222

Coal Mines—Astley Deep Pit (Dukinfield), Explosion at

Question, Mr. Sidebottom; Answer, Mr. Ashe-
ton Cross July 2, 872; Observations, Mr.
Ashton Cross July 3, 1051

Coal Mines Abroad—State Ownership

Question, Mr. Knowles; Answer, Mr. As-
sheton Cross July 13, 1517

COCHRANE, Mr. A. D. W. R. Baillie, Isle of Wight

Egypt—Consular Jurisdiction and the Suez
Canal, Res. 513

COGAN, Right Hon. W. H. F., Kildare Co.

Cattle Disease—Importation of Irish Cattle,
297
Contagious Diseases (Animals)—Report of
Committee (1873), 589
Intoxicating Liquors (Ireland) (No. 2), Comm.
cl. 5, 212
Ireland—Constabulary Force—County Wick-
low, 157

COLEBROOKE, Sir T. E., Lanarkshire, N.
Church Rates Abolition (Scotland), 2R. 1313

COLLINS, Mr. E., Kinsale

Ireland—Constabulary, Pay of the, 1085

COLMAN, Mr. J. J., Norwich
Friendly Societies, 2R. 276

**Colonial Attorneys Relief Act Amend-
ment Bill** (*Mr. Goldney, Mr. Dodds*)

c. Read 2^o June 18 [Bill 145]
Committee^{*}; Report June 22
Read 3^o June 23
l. Read 1^o (*Marquess of Bath*) June 25 (No. 134)
Read 2^o July 14

Colonial Clergy Bill [H.L.]

(*Mr. J. G. Talbot*)

c. Report^{*} June 26 [Bills 123-175]
Re-comm^{*}; Report July 13

[cont.]

Commissioners of Works and Public Buildings Bill

(Lord Henry Lennox, Mr. William Henry Smith)

- c. Ordered; read 1^o * July 2 [Bill 188]
Read 2^o * July 7

Conjugal Rights (Scotland) Act Amendment Bill (Mr. Anderson, Sir Edward Colebrooke, Mr. Orr Ewing, Mr. James Cowan, Mr. Leith, Mr. Yeaman)

- c. Re-comm. *; Report June 18 [Bill 147]
Read 3^o * June 19
l. Read 1^o * (*The Earl of Aberdeen*) June 22
Bill read 2^o July 2, 862 (No. 126)
Committee * July 3
Report * July 6
Read 3^o * July 7

CONOLLY, Mr. T., Donegal Co.

Parliament—Galway New Writ, Amendt. 160
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Motion for a Committee, 914

Conveyancing and Land Transfer (Scotland) Bill (*The Lord Advocate, Mr. Secretary Cross, Mr. Cameron*)

- c. Committee *; Report June 18 [Bills 105-156]
Re-comm. *; Report July 9

COOPE, Mr. O. E., Middlessex

Public Offices, New—War Office, 507
Purchase of Sites, 510

CORBETT, Colonel E., Salop, S.

Land Titles and Transfer, 2R. 1260
Valuation of Property, Comm. cl. 7, Amendt. 670
Wenlock Elementary Education, 2R. 285

Coroners (Ireland) Bill

(Mr. Vance, Sir John Gray, Mr. Downing)

- c. Bill read 2^o, after short debate July 1, 853 [Bill 49]

COTTESLOE, Lord

Intoxicating Liquors, Comm. cl. 13, 1212; cl. 14, *ib.*
Public Worship Regulation, Report, cl. 8, Amendt. 145

County Courts Bill [H.L.]

(The Lord Chancellor)

- l. Read 2^o * June 19 (No. 117)
Committee *; Report June 22 (No. 129)
Read 3^o * June 23
c. Read 1^o * June 26 [Bill 175]

County of Hertford and Liberty of Saint Alban Bill (Mr. Cowper, Mr. Halsey, Mr. Abel Smith)

- c. Select Committee nominated; List of the Committee June 24
Report * July 3 [Bills 77-190]
Re-comm. *; Report July 7
Read 3^o * July 9
l. Read 1^o * (*M. of Salisbury*) July 10 (No. 167)

Court of Judicature (Ireland) Bill [H.L.] (*The Lord Chancellor*)

- l. Report * June 18 (Nos. 57-98)
Moved, "That the Bill be now read 3^o" June 22, 217
Amendt. to leave out ("now,") and insert ("this day three months") (*Lord Denman*); on Question, That ("now,") &c.; resolved in the affirmative; Bill read 3^o (No. 121)
Protest thereon, 220
c. Read 1^o * (*Mr. Attorney General for Ireland*) June 24 [Bill 168]
Bill read 2^o, after short debate July 7, 1265
The Lord Chancellor, Question, Mr. Mitchell Henry; Answer, Mr. Attorney General for Ireland July 9, 1354

Courts (Straits Settlements) Bill

(Mr. J. Lowther)

- c. Read 2^o * June 22 [Bill 126]
Committee *; Report June 23
Considered June 25, 480
Read 3^o * June 26

CRAWFORD, Mr. J. S., Down

Contagious Diseases (Animals).—Report of Committee (1873), 598

CRICHTON, Viscount, Enniskillen

Factories (Health of Women, &c.), Comm. cl. 4, Amendt. 318
Intoxicating Liquors (Ireland) (No. 2), Comm. add. cl. 1009
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. 769

Criminal Law

Account of Fines and Penal Sums, Question, Mr. Downing; Answer, Sir Michael Hicks-Beach June 23, 301
Alleged Man-and-Dog Fight at Hanley, Question, Sir Charles Legard; Answer, Mr. Asheton Cross July 9, 1354
Balloon, Fatal Fall from a, Question, Mr. Welby; Answer, Mr. Asheton Cross July 14, 1623
Sentence on William Venables, Question, Mr. Forsyth; Answer, Mr. Asheton Cross June 18, 71

Criminal Law—Execution of Capital Sentences—The Spanish Garotte

Moved to resolve, That in the opinion of this House the present system of executing criminals is attended with unequal and needless torture and often leads to revolting and discreditable scenes (*The Lord Dunsany*) July 9, 1341; after short debate, Motion negatived

Criminal Law Amendment Act (1871) Repeal Bill

(*Mr. Mundella, Mr. Eustace Smith, Mr. Macdonald, Mr. Burt, Mr. Carter, Mr. Morley*)

c. Moved, "That the Order for 2R. be read and discharged" (*Mr. Mundella*) July 8, 1923; after short debate, Question put, and agreed to; Order discharged; Bill withdrawn [Bill 41]

Cross, Right Hon. R. A. (Secretary of State for the Home Department), Lancashire, S. W.

Astley Deep Pit (Dukinfield), Explosion at, 872, 1051

Borough Police—Grants in Aid, 507

Coal Mines Abroad—State Ownership, 1517

Criminal Law Amendment Act (1871) Repeal, 2R. 1324, 1325

Criminal Law—Alleged Man-and-Dog Fight at Hanley, 1355

Balloon, Fatal Fall from a, 1623

Venables, William, Sentence on, 71

Endowed Schools Acts Amendment, 2R. 1895
Factories (Health of Women, &c.), Comm. 307, 312; cl. 4, 321, 324, 325, 326, 327; cl. 10, 328; cl. 13, 329; cl. 14, 331; Amendt. 333; cl. 15, 335; Amendt. 336; add. cl. ib., 338; Preamble, ib.; Consid. cl. 9, Amendt. 478, 479; cl. 4, Amendt. ib.; 3R. 672

Factory and Workshop Act—Consolidation, 158

Inclosure Bill—Legislation, 1080

Intoxicating Liquors, Consid. 80, 86, 87; Amendt. 88, 89; Amendt. 90, 93, 94; cl. 4, ib. 96, 97; cl. 5, Amendt. ib.; cl. 7, 98, 99; cl. 8, 101, 102; cl. 11, 103; cl. 13, 104, 105, 106, 109; cl. 23, 111; cl. 27, 113; Amendt. 114, 116, 117; Amendt. ib., 118, 119, 123, 127, 128; Amendt. 170, 176; Amendt. 177, 179; 3R. 244

Ireland—Fenian Prisoners, Motion for Returns, 1610

Law and Justice—The Magistracy—Commission of the Peace—Precedency, 1350

Worcester City Magistracy, 1622

Licensing System (Scotland)—A Royal Commission, 76

Municipal Corporations—Borough Funds Act, 229

Parliament—Business of the House, Res. 874

Permissive Prohibitory Liquor, 2R. 53

Police Superannuation, 1354

Wales—Courts of Justice—Welsh Interpreters, 1084

Welsh County Court Judges, 537

Wellington, Burial Board of, 420

CROSSLEY, Mr. J., Halifax

Factories (Health of Women, &c.), Comm. cl. 14, 332

Cruelty to Animals Law Amendment Bill

[H.L.] (*The Earl of Harrowby*)

l. Presented; read 1st June 25 (No. 137)

Moved, "That the Bill be now read 2nd" July 2, 857

Amendt. to leave out ("now,") and insert ("this day three months") (*The Viscount Portman*); after short debate, Amendt. withdrawn; then the original Motion and Bill withdrawn

Cruelty to Animals Law Amendment (No. 2) Bill (*Mr. Munts, Sir Thomas Basley, Mr. Sampson Lloyd*)

c. Bill withdrawn * June 17 [Bill 104]

CUNINGHAME, Sir W. J. M., Ayr, &c.
Church Rates Abolition (Scotland), 2R. 1317

Customs

Promotion of Officers, Question, Sir Patrick O'Brien; Answer, Mr. W. H. Smith June 19, 155

Re-organisation of the Customs Service, Question, Mr. Gourley; Answer, The Chancellor of the Exchequer June 26, 508

Statistical Department, Question, Mr. C. E. Lewis; Answer, Mr. W. H. Smith June 18, 72

Customs (Isle of Man) Bill

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

c. Resolutions [June 23] reported; Bill ordered * June 24

Read 1st * June 26 [Bill 178]

Read 2nd * July 2

Committee *; Report July 7

Read 3rd * July 9

l. Read 1st * (*The Lord President*) July 10 (No. 165)

DALRYMPLE, Mr. C., Butehire

Church Patronage (Scotland), 2R. 1107

DAVIES, Mr. D., Cardigan

Permissive Prohibitory Liquor, 2R. 53

DE LA WARR, Earl

Pauper Children, Motion for Returns, 289

Wild Birds Law Amendment, 2R. 287, 289; Comm. 504, 505

DENBIGH, Earl of

Brussels, Conference at—Rules of Military Warfare, 986

DENISON, Mr. C. BECKETT-, Yorkshire, W. R., E. Div.

Atchin, Dutch War in, 1085

Factories (Health of Women, &c.), Comm. cl. 4, 323; cl. 14, 330

India—Nawab Nazim of Bengal, Motion for a Committee, 579, 582

Merchant Shipping Survey, 2R. 381

Shannon Navigation—Withdrawal of Bill, 674

DENMAN, Lord

Alkali Act (1863) Amendment, Comm. add. cl. 867

Court of Judicature (Ireland), 3R. Amendt. 217

Cruelty to Animals Law Amendment, 2R. 862

Intoxicating Liquors, Comm. cl. 3, 1202

Supreme Court of Judicature (1873) Amendment, 3R. Amendt. 414

DERBY, Earl of (Secretary of State for Foreign Affairs)

Brussels, Conference at—Rules of Military Warfare, 993

DEVON, Earl of

Public Worship Regulation, Report, *add. cl.*
150

DICKSON, Mr. T. A., *Dungannon*

Elementary Education (Compulsory Attendance), 2R. 793, 848
Factories (Health of Women, &c.), Comm. 310
Intoxicating Liquors (Ireland), Comm. *cl.* 11, 342; *add. cl.* 1013

DILKE, Sir C. W., *Chelsea, &c.*

Army—Duke of York's School—Feltham School, 71, 224
Friendly Societies, 2R. 252
Inclosure Bill—Legislation, 1080
Intoxicating Liquors, Consid. *cl.* 7, 99; *cl.* 23, Amendt. 110

DILLWYN, Mr. L. L., *Swansea*

Endowed Schools Acts Amendment, 2R. 1672
Hertford College, Oxford, Comm. Motion for reporting Progress, 1053
Public Worship Regulation, 2R. 1404

DISRAELI, Right Hon. B., (First Lord of the Treasury), *Buckinghamshire*

Agricultural Tenants, Security for Improvements by, Res. 205
Brussels, Conference at—Rules of Military Warfare, 1223
Canada, Dominion of—Canadian Ministry, 606
Church Patronage (Scotland), 2R. 1175, 1183, 1184, 1185
Convocation—Letters of Business, 513
Gold Coast, Slavery on the, Res. 637
Intoxicating Liquors, Consid. *cl.* 27, 121, 122, 124, 126; Amendt. 128
Parliament—Electoral Disabilities of Women, 300
Morning Sitings, 159
Orders of the Day, 700
Public Business, 228, 1523, 1527
Parliament—Business of the House, Res. 873
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. 791, 951
Public Offices, New—War Office, 508
Purchase of Sites, 510
Public Worship Regulation, 2R. 1438, 1439, 1440, 1442
Supreme Court of Judicature Act (1873) Amendment—Scotch Appeals, 1352

DODDS, Mr. J., *Stockton*

Public Worship Regulation, 2R. 1443

DODSON, Right Hon. J. G., *Chester*

Contagious Diseases (Animals)—Report of Committee (1873), 593
Criminal Law Amendment Act (1871) Repeal, 2R. 1325
Intoxicating Liquors, Consid. Amendt. 92; *cl.* 8, 101, 102; *cl.* 13, Amendt. 103; *cl.* 27, 123
Valuation of Property, Comm. *cl.* 4, 666

DOWNING, Mr. M'Carthy, *Cork Co.*

Agricultural Tenants, Security for Improvements by, Res. 204
Court of Judicature (Ireland), 2R. 1269
Criminal Law—Account of Fines and Penal Sums, 301
Intoxicating Liquors, Consid. *cl.* 8, Amendt. 100
Intoxicating Liquors (Ireland) (No. 2), Comm. *cl.* 4, 210; *cl.* 10, 213; *cl.* 11, 341; *cl.* 12, 998, 1002; *cl.* 17, Amendt. 1004; *cl.* 21, Amendt. 1005; *cl.* 28, Amendt. 1006; *add. cl.* 1010, 1011
Irish Judicial Bench—Appointment of Judges, Motion for an Address, 440
Judicature (Ireland), 1522, 1523
Navy—Haulbowline, Works at, 445
Parliament—Galway New Writ, 170
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Motion for a Committee, 964
Valuation (Ireland) Act Amendment, 2R. 282

Drainage and Improvement of Lands (Ireland) Act (1863) Amendment Bill

(Mr. Bruen, Sir Thomas Bateson, Mr. O'Neill, Mr. Kavanagh)

c. Committee *—*R.F.* June 18 [Bill 120]
Committee *; Report June 19
Read 3^d * June 22
l. Read 1st * (*Earl of Belmore*) June 23 (No. 133)
Read 2^d * June 29
Committee * June 30
Report * July 2
Read 3^d * July 3

Drainage and Improvement of Lands (Ireland) Provisional Order Bill

(Mr. William Henry Smith, Sir Michael Hicks-Beach)

c. Committee *; Report June 18 [Bill 131]
Read 3^d * June 19
l. Read 1st * June 22 (No. 125)
Read 2^d * June 30
Committee *; Report July 3
Read 3^d * July 6

DUFF, Mr. M. E. Grant, *Elgin, &c.*

Income Tax, Res. 1026, 1032

DUFF, Mr. R. W., *Banffshire*

Church Patronage (Scotland), 2R. 1578

DUNBAR, Mr. J., *New Ross*

College of Physicians (Ireland), 159
India—Bombay, Riots in, 792

DUNDAS, Hon. J. C., *Richmond*

Army—Royal Military Academy, Woolwich—Vacancies, 506

DUNMORE, Earl of

Board of Trade Arbitrations, Inquiries, &c. 2R. 216
Chain Cables and Anchors, 2R. 1616

DUNSANY, Lord

Capital Sentences, Execution of—Spanish
Garotte, Res. 1841, 1845
Contagious Diseases of Animals—Regulations
for Great Britain and Ireland, 132

DYKE, Mr. W. Hart (Secretary to the
Treasury), *Kent, Mid*
Parliament—Launceston New Writ, 511

DYNEVOR, Lord

Public Worship Regulation, Report, *cl.* 8, 145

DYOTT, Colonel R., *Lichfield*
Intoxicating Liquors, *Consid.* 91

EARP, Mr. T., *Newark*

Intoxicating Liquors, *Consid.* *cl.* 13, 110

EDMONSTONE, Admiral Sir W., *Stirlingshire*

Church Rates Abolition (Scotland), 2R. 1311
Supply—Salaries of Colonial Governors, 463

Edmunds, Mr. Leonard—*Proceeding on
Petition Vacated*

Observations, The Earl of Rosebery June 29,
600

Moved, "That the Petition of Leonard Edmunds, Esquire, presented to the House on the 2nd of July instant, be referred to the Select Committee on the Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod" (*The Earl of Rosebery*) July 13, 1500; after debate, on Question, resolved in the negative

EDUCATION

Education Department, Question, Observations,
Lord Hampton; Reply, The Duke of Richmond; short debate thereon June 29, 601;
—*Private Adventure Schools*, Question, Mr. Locke; Answer, Viscount Sandon July 14, 1623

Education (Scotland) Act, 1872—Collection of School Rates, Question, Sir Robert Anstruther; Answer, The Lord Advocate June 25, 424

Effect of School Life on the Sight, Question, Observations, Lord Monteaigle of Brandon; Reply, The Duke of Richmond July 2, 868

EGERTON OF TATTON, Lord

Alkali Act (1863) Amendment, 2R. 389; *Comm.*
add. cl. 865
Contagious Diseases of Animals—Regulations
for Great Britain and Ireland, 134
Glebe Lands Sale, 2R. 1078

EGERTON, Rear-Admiral Hon. F., *Derbyshire*

Navy—Whitworth Ordnance Trials, 70

EGERTON, Hon. Wilbraham, *Cheshire, Mid*

Factories (Health of Women, &c.), *Comm.*
cl. 15, Amendt. 333, 335

*Egypt—Consular Jurisdiction and the
Suez Canal*

Amendt. on Committee of Supply June 26, To
leave out from "That," and add "the commerce of this Country being so deeply interested in the uninterrupted navigation of the Suez Canal, it is desirable that Her Majesty's Government should at once give its adhesion to the proposed judicial reforms in Egypt, suggested and approved of by the representatives of all the European Powers, by which tribunals will be created for the better administration of justice in Egypt and the adjudication of differences which may arise between British shipowners and the administrators of the Suez Canal Company" (*Mr. Baillie Cochrane*) *v.*, 513; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to

Elementary Education (Compulsory Attendance) Bill [Bill 16]

(*Mr. Dixon, Mr. Mundella, Sir John Lubbock, Mr. Trevelyan, Mr. Melly*)

c. Moved, "That the Bill be now read 2^a"
July 1, 793

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Birley*); Question proposed, "That 'now,' &c.;" after long debate, Question put; A. 156, N. 320; M. 164

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months
Division List, A. and N. 850

Elementary Education Provisional Order
Confirmation Bill [H.L.]

(*The Lord President*)

l. Read 2^a * June 19 (No. 88)
Committee * July 6 (No. 153)
Report * July 7
Read 3^a * July 9

Elementary Education Provisional Order
Confirmation (No. 2) Bill [H.L.]

(*The Lord President*)

l. Read 2^a * June 19 (No. 108)
Committee *; Report June 29
Read 3^a * June 30
c. Read 1^o * (*Viscount Sandon*) July 3 [Bill 192]
Read 2^o * July 6

ELLICE, Mr. E., *St. Andrews, &c.*

Ways and Means—Board of Lunacy (Scotland),
510

ELLIOT, Admiral G., *Chatham*

Merchant Shipping Survey, 2R. 373

ELPHINSTONE, Lord

Representative Peers of Scotland and Ireland,
Motion for a Committee, 137

EMLY, Lord

Irish National Education—Schoolmasters and
Schoolmistresses, Motion for a Return, 970

EMLYN, Viscount, Carmarthen
Army—Militia Service Act (1873)—Bounties,
871

Endowed Schools Acts Amendment Bill
(*Viscount Sandon, Mr. Secretary Cross*)

c. Ordered; read 1^o July 2 [Bill 187]
Moved, "That the Bill be now read 2^o"
July 14, 1875
Amendt. to leave out "now," and add "upon
this day three months" (*Mr. W. E. Forster*);
Question proposed, "That 'now,' &c.;" after
long debate, Question put; A. 291, N. 209;
M. 82
Main Question put, and agreed to; Bill read 2^o

Epping District, Sanitary Condition of
Question, Dr. Lush; Answer, Mr. Selater-
Booth June 22, 221

ERRINGTON, Mr. G., Longford Co.
Public Health (Ireland), Comm. cl. 3, Amendt.
1604

ESLINGTON, Lord, Northumberland, S.
Contagious Diseases (Animals) — Report of
Committee (1873), 592
Merchant Shipping Survey, 2R. 359
Valuation of Property, Comm. cl. 3, 182, 646;
cl. 7, 670

ESTCOURT, Mr. G. B., Wilts, N.
Intoxicating Liquors, Consid. Amendt. 93

EVANS, Mr. T. W., Derbyshire, S.
Contagious Diseases (Animals) — Report of
Committee (1873), 592
Intoxicating Liquors, Consid. cl. 27, 120

Evidence Law Amendment (Scotland)
Bill

(*The Lord Advocate, Mr. Secretary Cross*)
c. Ordered; read 1^o June 23 [Bill 165]
Read 2^o June 29, 673
Committee*; Report July 10 [Bill 203]

EWING, Mr. A. Orr, Dumbarton
Church Patronage (Scotland), 2R. 1124
Church Rates Abolition (Scotland), 2R. 1300,
1305

**EXCHEQUER, CHANCELLOR of the (see
CHANCELLOR of the EXCHEQUER)**

Excise—Adulteration of Whiskey
Observations, Mr. O'Sullivan; Reply, The
Chancellor of the Exchequer June 26, 598

Expiring Laws Continuance Bill
(*Mr. William Henry Smith, Mr. Attorney General*)
c. Ordered; read 1^o July 9 [Bill 201]
Question, Captain Nolan; Answer, Mr. W. H.
Smith July 13, 1521

Factories (Health of Women, &c.) Bill
(*Mr. Secretary Cross, Sir Henry Selwin-Ibbetson,
Viscount Sandon*)

c. Order for Committee read; Moved, "That
Mr. Speaker do now leave the Chair"
June 23, 302

Amendt. to leave out from "That," and add
"it is expedient to include within the appli-
cation of the Bill the manufactures and em-
ployments to which the Factory Acts Extension
Act of 1864, and of 1867, apply" (*Mr.
W. Holmes*) v.; after short debate, Question,
"That the words, &c.," put, and agreed to;
after further short debate, main Question,
"That Mr. Speaker, &c.," put, and agreed
to; Committee; Report [Bill 115]

Considered June 25, 478

Read 3^o June 29, 672; on Question, "That
the Bill do pass;" after short debate, Bill
passed

l. Read 1^o* (*The Lord Steward*) June 30 (No. 143)
Read 2^o, after short debate July 9, 1326
Committee July 14, 1617

**Factory and Workshop Acts — Consoli-
dation**

Question, Mr. Tennant; Answer, Mr. Assheton
Cross June 19, 158

FAWCETT, Mr. H., Hackney
Agricultural Tenants, Security for Improve-
ments by, Res. 209
Elementary Education (Compulsory Attend-
ance), 2R. 829
Factories (Health of Women, &c.), Comm. cl. 3,
Amendt. 314, 318; cl. 4, 323; cl. 14, 332
India, Government of—Legislation, 1347
Parliament—Public Business, 1527
Supply — Local Assessment — Relief of the
Poor, 478
Report—Greenwich Hospital and School,
1489
Valuation of Property, Comm. cl. 3, 186

**FIELDEN, Mr. J., Yorkshire, W.R.,
E. Div.**
Factories (Health of Women, &c.), Comm. 312;
cl. 4, 323; cl. 14, 332; add. cl. 336

Fiji Islands

Question, Viscount Canterbury; Answer, The
Earl of Carnarvon July 9, 1341

**FITZGERALD, Right Hon. Sir W. S.,
Horsham**
India—Kirwee Prize Accounts, 605

FLOYER, Mr. J., Dorsetshire
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l. Read 2^a June 18 (No. 107)
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Read 3^a June 22

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l. Presented; read 1^a July 7 (No. 159)
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Main Question put, and agreed to; Bill read 2^a [Bill 140]
Moved, "That the House go into Committee in order that the Bill be reprinted" June 29, 673; Motion agreed to; Committee; Report [Bill 181]

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Game Laws Abolition Bill
(*Mr. P. A. Taylor, Mr. Burt, Mr. Dickinson, Mr. George Dixon, Mr. McComb*)
c. Bill withdrawn^a July 2 [Bill 36]

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c. Read 1^a June 18 [Bill 159]
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General School of Law Bill [H.L.]
(*The Lord Selborne*)
l. Presented; read 1^a July 13 (No. 170)

GLADSTONE, Right Hon. W. E., Greenwich
Church Patronage (Scotland), 2R. 1113, 1124, 1131, 1183, 1185
Endowed Schools Acts Amendment, 2R. 1699
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Glebe Lands Sale Bill [H.L.]
(*The Lord Bishop of Carlisle*)
l. Presented; read 1^a June 25 (No. 136)
Moved, "That the Bill be now read 2^a" July 6, 1073
Amendt. to leave out ("now,") and add ("this day three months") (*Viscount Portman*); after short debate, Amendt. and original Motion and Bill withdrawn

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(*Lord Dunmore*)

l. Read 2^o * June 23 (No. 104)
Committee *; Report June 25
Read 3^o * June 26

Herring Fishery (Close Time) (Scotland) Bill (*The Marquess of Lorne, Mr. Ramsay, Mr. Dalrymple*)

c. Ordered; read 1^o * June 24 [Bill 167]
Read 2^o * June 29

Hertford College, Oxford, Bill [H.L.]

(*Mr. Mowbray*)

c. Read 2^o * June 30 [Bill 103]
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Moved, "That the Chairman report Progress, and ask leave to sit again" (*Mr. Dillwyn*);
Question put; A. 29, N. 84; M. 55
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Considered * July 6
Read 3^o * July 7

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(*Mr. Pell, Mr. Clowes, Mr. Heygate, Mr. Macdonald*)

c. Read 2^o * July 1 [Bill 124]
Committee *; Report July 3
Read 3^o * July 7
l. Read 1^o * (*Lord Hampton*) July 9 (No. 163)

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(*Sir Henry Selwin-Ibbetson, Mr. Secretary Cross*)

c. Question, Sir Charles W. Dilke; Answer, Mr. Assheton Cross July 6, 1080
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Amendt. on Committee of Supply July 3, To leave out from "That" and add "in the opinion of this House, the continued imposition of the Income Tax, except in time of war or some great national emergency, is un-

3 M

[cont.]

Income Tax—cont.

just and impolitic, and it is advisable that such Tax should be still further reduced and ultimately altogether repealed at the earliest possible period" (*Mr. Charles Lewis*) v., 1016; Question proposed, "That the words, &c.;" after debate, Question put; A. 139, N. 38; M. 101

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Bengal Famine, Question, *Mr. Forsyth*; Answer, *Lord George Hamilton* June 30, 698—*Indian Relief Works—Wages Rate*, Question, *Mr. Fortescue Harrison*; Answer, *Lord George Hamilton* July 13, 1518
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(*Mr. Secretary Cross*, *Sir Henry Selwin-Ibbetson*)

c. Ordered; read 1^o July 3 [Bill 193]
Read 2^o July 7
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(*Mr. Charley*, *Mr. Gilpin*, *Mr. Holker*, *Mr. Edward Davenport*)

c. Report* July 9 [Bills 25-200]
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(*The Lord Brodrick*)

l. Read 3^o June 18 (No. 80)
c. Read 1^o (*Sir Henry James*) June 23 [Bill 164]
Read 2^o June 24
Committee*—R.F. July 8

Inns of Court Bill [H.L.]

(*The Lord Selborne*)

l. Presented; read 1^o, after short debate July 10, 1457 (No. 169)

International Copyright Bill

(*Mr. Bourke*, *Mr. Attorney General*, *Sir Charles Adderley*)

c. Ordered; read 1^o July 8 [Bill 197]
Read 2^o July 9

Intoxicating Liquors Bill [Bills 83-139]

(*Mr. Raikes*, *Mr. Secretary Cross*, *Sir Henry Selwin-Ibbetson*, *Mr. Chancellor of the Exchequer*)

c. Considered June 18, 77; after debate, Moved, "That the debate be now adjourned" (*Mr. Leeman*); after further short debate, Question put; A. 134, N. 251; M. 117
Moved, "That this House do now adjourn" (*Mr. Bristowe*); after short debate, Question put; A. 131, N. 244; M. 113
Moved, "That the House, at its rising, do adjourn till To-morrow at Two o'clock" (*Mr. Disraeli*); after short debate, Motion agreed to

Debate resumed June 19, 170 [Bill 160]

Moved, "That the Bill be now read 3^o" June 22, 229

Amendt. to leave out "now," and add "upon this day three months" (*Sir Wilfrid Lawson*); Question proposed, "That 'now,' &c.;" after debate, Question put; A. 328, N. 39; M. 289

Main Question put, and agreed to; Bill read 3^o

l. Read 1^o (*The Lord Steward*) June 23

(No. 130)

Bill read 2^o, after long debate June 30, 675

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Intoxicating Liquors (Ireland) (No. 2) Bill

(*Sir Michael Hicks-Beach*, *Mr. Attorney General for Ireland*)

c. Committee June 19, 210 [Bill 114]

Moved, "That the Chairman do report Progress" (*Mr. Sullivan*); Question put, and agreed to; Committee—R.F.

Committee—R.F. June 23, 339

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Committee July 3, 1052

Moved, "That the Chairman report Progress" (*Mr. Richard Smyth*); after short debate, Motion withdrawn; Bill reported [Bill 191]

Considered* July 9

Bill read 3^o, after short debate July 13, 1605

l. Read 1^o (*The Lord President*) July 14

(No. 174)

IRELAND

MISCELLANEOUS QUESTIONS

Board of National Education—Limerick Model School, Question, Mr. Verner; Answer, Sir Michael Hicks-Beach July 6, 1085;—*Return of Emoluments of Teachers*, Question, Captain Nolan; Answer, Sir Michael Hicks-Beach July 7, 1225

Board of Works—Loans under the Land Act, Question, Mr. C. E. Lewis; Answer, Sir Michael Hicks-Beach June 22, 227

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County Louth and Dundalk Borough Elections—“Callan v. Dease,” Question, Mr. Sackville; Answer, The Attorney General for Ireland July 9, 1351

Crown Solicitor for Tyrone—Memorial of Mr. McCreagh, Question, Mr. O'Connor Power; Answer, The Attorney General for Ireland July 9, 1347

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The Irish Magistracy—County of Tipperary, Question, Mr. Moore; Answer, Sir Michael Hicks-Beach June 25, 421;—*Riot at Kilrea, County Derry*, Question, Mr. Biggar; Answer, Sir Michael Hicks-Beach June 19, 154

Trinity College (Dublin)—The Queen's Letter, Question, Mr. Mitchell Henry; Answer, Sir Michael Hicks-Beach July 9, 1348

Union Boundaries in Ireland, Question, Mr. Moore; Answer, Sir Michael Hicks-Beach June 18, 76

Vaccination, Question, Mr. Meldon; Answer, Sir Michael Hicks-Beach July 6, 1083

Ireland—Board of Irish National Education—Schoolmasters and Schoolmistresses

Moved that there be laid before this House, Return showing the number of schoolmasters and schoolmistresses employed under the Privy Council in England and Scotland, and under the National Board in Ireland, who have been trained for two years in a normal school, and the proportion the teachers so trained bear to the whole number employed in each country” (*The Lord Emly*) July 3, 970; after short debate, Motion agreed to

Ireland—Fenian Prisoners

Moved, “That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Returns of the names of the persons who died, or became insane, or permanently disabled at any time during the last ten years whilst suffering imprisonment under warrants issued by the Lords Lieutenant of Ireland by virtue of the powers conferred on them by the Habeas Corpus Suspension (Ireland) Acts and the Peace Preservation (Ireland) Acts: of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment on account of their conviction, either as principals or accessories, of the murder of Serjeant Brett at Manchester: of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment under convictions for treason-felony: and, of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment under sentences of Courts Martial in Ireland for offences against the Articles of War appearing to be connected with their complicity with the Fenian conspiracy” (*Mr. O'Connor Power*) July 13, 1609; after short debate, Question put; A. 21, N. 92; M. 71

Ireland—Irish Judicial Bench—Appointment of the Judges

Amendt. on Committee of Supply June 25, To leave out from “That,” and add “an humble Address be presented to Her Majesty, representing that, in the opinion of this House, it would be for the advantage of the administration of justice if the Irish Judges were appointed, to the same extent as they are in England, upon the recommendation of the Lord Chancellor, and without reference to official or political claims” (*Mr. Butt*) v., 429; Question proposed, “That the words, &c.,” after short debate, Question put; A. 271, N. 62; M. 209

Ireland—See title Parliamentary Relations (Great Britain and Ireland)—Home Rule

Irish Land Act (1870) Extension Bill

(*The O'Donoghue, Sir Wilfrid Lawson, Mr.*

James Barclay, Mr. Herbert)

c. Bill withdrawn* June 23 [Bill 47]

Irish Reproductive Loan Fund Bill

(*Mr. William Henry Smith, Sir Michael Hicks-Beach*)

c. Ordered; read 1^o June 29 [Bill 183]

JACKSON, Mr. H. M., Coventry

Land Titles and Transfer, 2R. 1239

JAMES, Sir H., Taunton

Factories (Health of Women, &c.), Comm. cl. 15, 335

Intoxicating Liquors, Consid. cl. 13, 104, 105, 109

Land Titles and Transfer, 2R. 1258

JENKINS, Mr. D. J., Penryn, &c.

Merchant Shipping Survey, 2R. 358

Post Office—West India Mails, 698

JENKINS, Mr. E., Dundee

Canada, Dominion of—Canadian Ministry, 606

Church Patronage (Scotland), 2R. Motion for Adjournment, 1183

Reunion, Island of—British Indian Coolies, 226

JENKINSON, Sir G. S., Wiltshire, N.

Intoxicating Liquors, Consid. 91, 94; cl. 4, Amendt. 95, 97

Parliament—Business of the House, Res. 873, 874

Supply—Local Assessments—Relief of the Poor, 478

Valuation of Property, Comm. cl. 3, Amendt. 180, 184, 189, 641, 647, 648, 650; Amendt. 653, 654, 656, 660, 664

JERVIS, Colonel H. J. W., Harwich

Army—Indian Officers, Retirement of, 1521

East India Company, Pensions to Officers of the late, 1473, 1522

JOHNSTON, Mr. W., Belfast

Factories (Health of Women, &c.), Comm. cl. 4, 319, 323

Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 4, Amendt. 210

JOHNSTONE, Sir H., Scarborough

Intoxicating Liquors, Consid. 91; cl. 4, 96; cl. 27, Amendt. 173

Judicature (Ireland) Bill

Question, Mr. McCarthy Downing; Answer, Sir Michael Hicks-Beach July 13, 1923

Juries Bill

Question, Mr. Morgan Lloyd; Answer, Mr. Lopes July 14, 1924

Juries (Ireland) Bill

(*Mr. Attorney General for Ireland, Sir Michael Hicks-Beach*)

c. Read 2^o June 18 [Bill 153]

Committee; Report June 19

Read 3^o June 22

l. Read 1^o (The Lord President) June 23 (No. 131)

Read 2^a; Committee negatived June 26

Read 3^a June 29

KARSLAKE, Sir J. B., Huntingdon

Intoxicating Liquors, Consid. cl. 27, 116, 119

Land Titles and Transfer, 2R. 1256

KAVANAGH, Mr. A. M., Carlow Co.

Cattle—Importation of Infected, 323

Contagious Diseases (Animals)—Report of Committee (1873), 591

KAY-SHUTTLEWORTH, Mr. U. J., Hastings

Endowed Schools Acts Amendment, 2R. 1677

Intoxicating Liquors, Consid. cl. 27, 117, 127

Merchant Shipping Survey, 2R. Motion for Adjournment, 381

KENNAWAY, Sir J. H., Devonshire, E.

Supply—British Museum, 448

KIMBERLEY, Earl of

Contagious Diseases of Animals—Regulations for Great Britain and Ireland, 131

Factories (Health of Women, &c.), Comm. cl. 12, 1620

Harbour of Colombo (Loan), 2R. 67

Intoxicating Liquors, 2R. 694; Comm. add. cl. 1190; cl. 3, 1198, 1200, 1204, 1208; cl. 11, 1211; cl. 12, *ib.*, 1212; cl. 14, 1213; cl. 33, 1216; Report, cl. 32, 1612

Malay Peninsula, 1060

Public Worship Regulation, Report, cl. 8, 144

Wild Birds Law Amendment, 2R. 288

Working Men's Dwellings, 2R. 985

KINGSCOTE, Lieut.-Colonel R. N. F., Gloucestershire, W.

Gloucester—Outbreak of Small-Pox, 1082

KINNAIRD, Hon. A. F., Perth

Church Patronage (Scotland), 2R. 1184

Criminal Law Amendment Act (1871) Repeal, 2R. 1325

Egypt—Consular Jurisdiction and Suez Canal, 520

KNATCHBULL-HUGESSEN, Right Hon. E. H., Sandwich

Gold Coast, Slavery on the, Res. 620

Intoxicating Liquors, Consid. 77; Amendt. 86, 88, 93; cl. 8, 102; cl. 13, 109

Public Worship Regulation, 2R. 1367, 1440

Supply—Salaries of Colonial Governors, 469

KNOWLES, Mr. T., Wigan

Coal Mines Abroad—State Ownership, 1517

Valuation of Property, Comm. cl. 3, 663

Labourers and Artisans Dwellings Bill

(*Sir Percy Burrell, Mr. Cunliffe Brooks*)
c. Moved, "That the Bill be now read 2^o"
July 1, 853 [Bill 144]
 Amendt. to leave out "now," and add "upon
 this day three months" (*Mr. Chancellor of*
the Exchequer); Question, "That 'now,'
 &c.;" put, and negatived
 Words added; main Question, as amended,
 put, and agreed to; 2R. put off for three
 months

Labourers Cottages (Scotland) Bill

(*Mr. Fordyce, Mr. McCombie, Mr. James Barclay,*
Sir George Balfour, Mr. Kinnaird)
*c. Bill withdrawn * July 7* [Bill 63]

LAING, Mr. S., Orkney, &c.

Church Patronage (Scotland), 2R. 1142
 Church Rates Abolition (Scotland), 2R. 1311

Land Drainage Provisional Order Bill

(*Sir Henry Selwin-Ibbetson, Mr.*
Secretary Cross)
*c. Ordered; read 1^o * June 25* [Bill 170]
*Read 2^o * June 29*
*Committee *; Report July 8*
*Read 3^o * July 9*
*l. Read 1^o * (The Lord President) July 10*
 (No. 166)

Land Tax Commissioners Names Bill

(*The Lord President*)
*l. Read 2^o * June 19* (No. 102)
*Committee *; Report June 22*
*Read 3^o * June 23*

Land Titles and Transfer Bill [H.L.]

(*Mr. Attorney General*)
c. Moved, "That the Bill be now read 2^o"
July 7, 1226
 Amendt. to leave out from "That," and add
 "this House, whilst fully recognising the im-
 portance of facilitating and cheapening the
 Transfer of Land, is of opinion that those
 objects would not be accomplished by the
 measure now proposed" (*Sir Francis Gold-*
smid) v.; Question proposed, "That the
 words, &c.;" after debate, Amendt. with-
 drawn
 Main Question put, and agreed to; Bill
 read 2^o [Bill 136]
 Question, Mr. Childers; Answer, Mr. W. H.
 Smith July 10, 1474

LANSDOWNE, Marquess of
 Army—Recruiting, Address for Correspond-
 ence, 500, 503

Law and Justice

The Magistracy
Commission of the Peace—Precedency, Ques-
tion, Mr. Evelyn Ashley; Answer, Mr.
Assheton Cross July 9, 1350
Magistracy, Worcester City, Question, Mr.
Sheriff; Answer, Mr. Assheton Cross
July 14, 1621

LAW, Right Hon. H., Londonderry, Co.
 Court of Judicature (Ireland), 2R. 1267
 Land Titles and Transfer, 2R. 1251

LAWRENCE, Lord

Education Department, 604
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LAWSON, Sir W., Carlisle

Army—Aylesford, Lord, and the Warwickshire
 Yeomanry Cavalry, 70
 Factories (Health of Women, &c.), Comm.
add. cl. 338
 Gold Coast, Slavery on the, Res. 621
 Intoxicating Liquors, Consid. cl. 27, 120; 3R.
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 39
 Supply—Salaries of Colonial Governors, 464

LEARMONTH, Colonel A., Colchester

Sanitary Laws Amendment, Comm. cl. 6,
 Amendt. 1495

Leases and Sales of Settled Estates Bill
 (*The Lord Chelmsford*)

l. Moved, "That the Bill be now read 2^o"
July 2, 855 (No. 93)
 Amendt. to leave out ("now,") and insert
 ("this day three months") (*The Marquess of*
Bath); after short debate, Amendt. with-
 drawn; original Motion agreed to; Bill
 read 2^o
 Committee * July 3
 Report * July 7
 Read 3^o * July 9

LEATHAM, Mr. E. A., Huddersfield

Church Patronage (Scotland), 2R. 1170
 Public Worship Regulation, 2R. 1431

LEEMAN, Mr. G., York

Intoxicating Liquors, Consid. 82; cl. 27, 119,
 121

LEFEVRE, Right Hon. G. J. Shaw,
Reading

Intoxicating Liquors, Consid. cl. 13, 107;
 cl. 27, Amendt. 118

Legal Practitioners Bill

(*Mr. Charley, Mr. Charles Lewis*)
c. Bill read 2^o, after short debate July 8,
 1271 [Bill 24]

LEGARD, Sir C., Scarborough

Criminal Law—Alleged Man-and-Dog Fight at
 Hanley, 1354
 Parliamentary Relations (Great Britain and
 Ireland)—Home Rule, Res. 761

LEIGH, Lieut.-Colonel Egerton, *Cheshire*
Mid

Factories (Health of Women, &c.), Comm. cl. 4,
327
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cl. 4, 666

LEITH, Mr. J. F., *Aberdeen*
Church Patronage (Scotland), 2R. 1184

LENNOX, Lord H. G. C. G. (First
Commissioner of Works), *Chichester*
Metropolis—Miscellaneous Questions
Hamilton Place, 1081
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Palace of Westminster—Clock Tower,
418; — Frescoes in the House of
Lords, 605
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1080
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LEWIS, Mr. C. E., *Londonderry*
Board of Works (Ireland)—Loans under the
Land Act, 227
Customs, The—Statistical Department, 72
Income Tax, Res. 1016, 1018
Intoxicating Liquors (Ireland) (No. 2), Comm.
cl. 11, 341; cl. 12, 999; Amendt. 1001,
1002; add. cl. 1013
Legal Practitioners, 2R. 1281
Parliament—Launceston New Writ, 511
Parliamentary Elections Act (1863)—Boston
Election, 1472

LEWIS, Mr. H. O., *Carlisle*
Poor Law (Scotland)—Catholic Inmates of
Workhouses, 421

Licensing Act, 1872

Moved, That an humble Address be presented
to Her Majesty for, Return of reports to the
Home Secretary by the mayor of Manchester,
the stipendiary magistrate of Hull, and the
chief constable of Blackburn on the working
of the Licensing Act of 1872; and of such
other reports by local authorities, stipendiary
magistrates, or chief constables on the same
subject, not being of a private character,
made to the Home Office during the years
1873 and 1874 (*The Lord Aberdare*) June 23,
293; after short debate, Motion agreed to

LIMERICK, Earl of
Intoxicating Liquors, Comm. Schedule, Amendt.
1217

LISGAR, Lord
Irish National Education—Schoolmasters and
Schoolmistresses, Motion for a Return, 981

LLOYD, Mr. M., *Beaumaris*
Juries, 1624
Sanitary Laws Amendment, Comm. cl. 33,
Amendt. 1497, 1498
Welsh County Court Judges, 531

Local Government Board (Ireland) Pro-
visional Order Confirmation Bill [H.L.]
(*The Lord President*)

l. Committee * July 10 (No. 76)
Report * July 13
Read 3^a * July 14

Local Government Board's Provisional
Orders Confirmation (No. 3) Bill [H.L.]
(*The Lord Walsingham*)

l. Committee * ; Report June 19 (No. 82)
Read 3^a * June 23
c. Read 1^o * June 25 [Bill 172]
Read 2^o * June 26
Committee * ; Report July 8
Read 3^a * July 9

Local Government Board's Provisional
Orders Confirmation (No. 4) Bill [H.L.]
(*The Lord Walsingham*)

l. Committee * ; Report June 26 (No. 97)
Read 3^a * July 3
c. Read 1^o * (*Mr. Clave Read*) July 6 [Bill 194]
Read 2^o * July 7

Local Government Board's Provisional
Orders Confirmation (No. 5) Bill [H.L.]
(*The Lord Walsingham*)

l. Read 2^a * June 18 (No. 99)
Committee * July 7
Report * July 10
Read 3^a * July 14

Local Government Provisional Orders
(No. 2) Bill (*The Lord Walsingham*)

l. Committee * ; Report June 18 (No. 92)
Read 3^a * June 19

LOCKE, Mr. J., *Southwark*
Education Department—Private Adventure
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LONDON, Bishop of
Cathedrals and Churches, Address for Returns,
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1192, 1199
Public Worship Regulation, Report, cl. 8, 144;
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LOWE, Right Hon. R., *London Univer-*
sity
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Ireland)—Home Rule, Motion for a Com-
mittee, 947
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LOWTHER, Mr. J. (Under Secretary of State for the Colonies), *York City*
Cape Coast Castle—Alleged Slave Dealing, 420
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Mauritius, The—Magistracy, 699
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LUBBOCK, Sir J., *Maidstone*
Elementary Education (Compulsory Attendance), 2R. 817
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Factories (Health of Women, &c.), *Comm. add. cl.* 337
Income Tax, *Res.* 1039
Supply—British Museum, 447, 451

LUSH, Dr. J. A., *Salisbury*
Factories (Health of Women, &c.), *Comm. add. cl.* 337
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Income Tax, *Res.* 1025
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LYTTELTON, Lord
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MCCARTHUR, Mr. A., *Leicester*
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MACARTNEY, Mr. J. W. E., *Tyrone*
Church Rates Abolition (Scotland), 2R. 1313
Court of Judicature (Ireland), 2R. 1269
Factories (Health of Women, &c.), *Comm.* 313
Intoxicating Liquors (Ireland) (No. 2), *Comm. cl.* 12, 998, 1000; *cl.* 16, 1003

MACCARTHY, Mr. J. G., *Mallow*
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Motion for a Committee, 874

MCCOMBIE, Mr. W., *Aberdeenshire, W.*
Rabbits, 2R. *Amend.* 62

MACDONALD, Mr. A., *Stafford*
Factories (Health of Women, &c.), *Comm. cl.* 4, 323
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MACKINTOSH, Mr. C. F., *Inverness, &c.*
Church Patronage (Scotland), 2R. 1135

MCLAGAN, Mr. P., *Linlithgowshire*
Agricultural Tenants, Security for Improvements by, *Res.* 192
Church Rates Abolition (Scotland), 2R. 1320

MCLAREN, Mr. D., *Edinburgh*
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Question, Observations, Lord Stanley of Alderley; Reply, The Earl of Carnarvon; short debate thereon *July* 6, 1054

MALMESBURY, Earl of (Lord Privy Seal)
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Married Women's Property Act (1870) Amendment Bill
(*The Lord Penzance*)

L. Committee* *June* 22 (No. 83)
*Report** *June* 25
*Read 3rd** *June* 26

MARTEN, Mr. A. G., *Cambridge*
Intoxicating Liquors, *Consid. Amend.* 85; *Amend.* 89; *cl.* 8, *Amend.* 102
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MARTIN, Mr. P. W., Rochester
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shire

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MELDON, Mr. C. H., Kildare

Court of Judicature (Ireland), 2R. 1269
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MELLOR, Mr. T. W., Ashton-under-Lyne
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323

Mercantile Marine—Wreck Register (1873),
222

MELLY, Mr. G., Stoke-upon-Trent

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171

Mercantile Marine—The "Wreck Register,"
1873"

Question, Mr. Mellor; Answer, Sir Charles
Adderley *June* 22, 222

Merchant Shipping Act

Loss of the "Tacna," Question, Mr. Fortescue
Harrison; Answer, Sir Charles Adderley
July 9, 1348

Unseaworthy Ships—The "Parga" and the
"Western Ocean," Question, Mr. Hamond;
Answer, Sir Charles Adderley *July* 6, 1083;
Question, Mr. Plimsoll; Answer, Sir Charles
Adderley *July* 7, 1221

Merchant Shipping Survey Bill

(Mr. Plimsoll, Mr. Roebuck, Mr. Samuda, Mr.
Kirkman Hodgson, Mr. Horsman)

c. Moved, "That the Bill be now read 2^o"
June 24, 344 [Bill 11]

After long debate, Moved, "That the Debate
be now adjourned" (Mr. Kay-Shuttleworth);
Question put, and negatived; original Question
put; A. 170, N. 173; M. 3

Division List, Ayes and Noes, 382

Questions, Mr. Bates; Answers, Mr. E. J.
Reed *July* 6, 1081

Merchant Ships (Measurement of Ton-
nage) Bill (Sir Charles Adderley,
Mr. Cavendish Bentinck, Mr. Bourke)

c. Select Committee nominated; List of the
Committee *June* 25, 480 [Bill 148]

Mersey Channels Bill

(Mr. Rathbone, Viscount Sandon, Mr. Torr)

c. Ordered; read 1^o *July* 8 [Bill 199]
Read 2^o *July* 13
Committee*; Report *July* 14

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MISCELLANEOUS QUESTIONS

Hamilton Place, Question, Mr. Goldsmid; An-
swer, Lord Henry Lennox *July* 6, 1081

High Tides on the Thames, Question, Sir
Charles Russell; Answer, Lord Eustace
Ceolil *July* 2, 871

New Law Courts, Question, Mr. Freshfield;
Answer, Lord Henry Lennox *July* 9, 1349

New Palace of Westminster

Frescoes in the House of Lords, Question, Mr.
Hankey; Answer, Lord Henry Lennox
June 29, 605

The Clock Tower, Question, Mr. W. M. Tor-
rens; Answer, Lord Henry Lennox *June* 25,
418

New Public Offices—War Office, Question, Mr.
Coope; Answer, Mr. Disraeli *June* 26, 507;
—*Purchase of Sites*, Question, Mr. Coope;
Answer, Mr. Disraeli *June* 26, 510; Question,
Mr. Goldsmid; Answer, Lord Henry
Lennox *July* 6, 1080

New Street between Gracechurch Street and
Fenchurch Street, Question, Sir Henry Peek;
Answer, Sir James Hogg *July* 9, 1349

Victoria Park—Bathing Accommodation, Question,
Mr. Ritchie; Answer, Lord Henry
Lennox *July* 6, 1080

Metropolitan Buildings and Manage-
ment Bill

(Colonel Hogg, Mr. Grantham, Sir Henry Wolff)
c. Report* *July* 14 [Bill 3]

Militia Law Amendment Bill

(The Earl of Pembroke and Montgomery)

l. Read 2^o *June* 25 (No. 110)
Committee*; Report *June* 26
Read 3^o *June* 29

MILLS, Mr. A., Exeter

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Chancellor of the Exchequer *June* 19, 159

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Valuation of Property, Comm. cl. 3, Amendt. 649; cl. 6, Amendt. 668

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MOORE, Mr. A. J., Clonmel

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MUNDELLA, Mr. A. J., Sheffield

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Municipal Corporations (Borough Funds) Act—Legislation

Question, Mr. A. Mills; Answer, Mr. Assheton Cross June 22, 229

Municipal Corporations (Disposition of Penalties) Bill—Formerly

Fines, Fees, and Penalties Bill

(Mr. Serjeant Simon, Mr. Melly, Mr. Charley, Mr. Rathbone, Mr. Mellor, Mr. Gourley)

c. Bill withdrawn * June 18 [Bill 59]

Municipal Elections (Cumulative Vote) Bill (Mr. Heygate, Mr. Morley, Mr. Fawcett, Mr. Wheelhouse)

c. Bill withdrawn * July 9 [Bill 113]

Municipal Privileges (Ireland) Bill

(Mr. Butt, Sir John Gray, Mr. Bryan,

Mr. P. J. Smyth)

c. Committee (on re-comm.) June 18, 128 [Bill 119]

Moved, "That the Chairman do report Progress, and ask leave to sit again" (Mr. Verner); after short debate, Question put; A. 75, N. 47; M. 28; Committee—R.P.

Committee *; Report June 19

Read 3* * June 22

MUNTZ, Mr. P. H., Birmingham

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Factories (Health of Women, &c.), Comm. add. cl. 337

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Whitworth Ordnance Trials, Question, Admiral Egerton; Answer, Mr. Hunt June 18, 70

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O'LOGHLEN, Right Hon. Sir C. M.,
Clare Co.
Court of Judicature (Ireland), 2R. 1268
Intoxicating Liquors (Ireland) (No. 2), Comm.
cl. 12, 998
Parliamentary Relations (Great Britain and
Ireland)—Home Rule, Comm. Res. 791, 944
Poor Law Guardians (Ireland), 2R. 129

O'NEILL, Hon. E., *Antrim*
Chancery Courts (Ireland)—Accountant General's Office, 75

O'SHAUGHNESSY, Mr. R., *Limerick*
Shannon Navigation—Withdrawal of Bill, 674

O'SULLIVAN, Mr. W. H., *Limerick Co.*
Excise—Whiskey, Adulteration of, 598
Intoxicating Liquors (Ireland) (No. 2), Comm.
cl. 12, Amendt. 997, 1000, 1001; cl. 20,
Amendt. 1005

OXFORD, Bishop of
Public Worship Regulation, Report, add. cl.
149

PAGET, Mr. R. H., *Somersetshire, Mid.*
Intoxicating Liquors, Consid. cl. 13, 109;
cl. 27, 175, 179

PALK, Sir L., *Devonshire, E.*
Valuation of Property, Comm. cl. 3, 646

Parliament

Morning Sittings, Question, Mr. Monk; Answer, Mr. Disraeli June 19, 159

Public Business, Questions, Mr. W. E. Forster, Sir Wilfrid Lawson; Answers, Mr. Disraeli June 22, 228

Commencement of Public Business, Question, Sir Charles Russell; Answer, Mr. Gathorne Hardy June 25, 425

Public Business—Public Worship Regulation Bill, Ministerial Statement, Mr. Disraeli July 13, 1523

Parliament—Business of the House

Moved, "That, whenever the House shall meet at Two of the clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April 1869" (Mr. Disraeli) July 2, 873; after short debate, Motion agreed to

Parliament — Controverted Elections — Judges' Reports

County of Durham (Southern Division)
June 17, 1
Launceston, Petersfield, Boston June 23, 297
Borough of Stroud July 13, 1517

Parliament — Controverted Elections — Judges' Reports—cont.

English and Irish Judgments, Question, Captain Nolan; Answer, The Attorney General June 25, 422

Parliament—Parliamentary Elections Act, 1868—Boston Election

The Clerk of the Crown attending according to Order, amended the Return for the Borough of Boston June 24

Copy ordered, "of the Shorthand Writer's Notes of the Evidence taken at the Trial of the Boston Election Petition and of the Special Case and also of the Judgment of each of the three Judges, viz. Lord Coleridge, Mr. Justice Brett, and Mr. Justice Grove, in the matter of the said Petition" (Sir Edward Watkin) July 1

Question, Mr. Charles Lewis; Answer, The Attorney General July 10, 1472

Stroud Election Petitions, Question, Mr. Monk; Answer, The Attorney General July 7, 1224

Parliament—Galway New Writ

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Galway, in the room of Francis Hugh O'Donnell, esquire, whose Election has been determined to be void" (Mr. O'Shaughnessy)

Certificate and Reports from the Judge selected for the Trial of Election Petitions pursuant to the Parliamentary Elections Act, 1868, relating to the Election for the Borough of Galway read (Mr. Conolly) June 19, 180

Amendt. to leave out from "That," and add "having regard to the decisions of the Judges appointed by this House to try the Election Petitions of the Town of Galway Election 1874 and County of Galway 1872, having regard also to the recommendation of the Royal Commission on the Town of Galway Election Petition 1857, having regard to the Joint Address of both Houses of Parliament which represented to Her Majesty in 1857 that corrupt practices have extensively prevailed at the last Election and at previous Elections for the said County of the Town of Galway, this House is of opinion that the said Town of Galway be henceforth disfranchised" (Mr. Conolly) v.; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to; main Question put, and agreed to

New Writ for Galway Borough, v. Francis Hugh O'Donnell, esquire, void Election

Parliament—Launceston New Writ

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Member to serve in this present Parliament for the borough of Launceston in the room of James Henry Deakin whose election has been determined to be void" (Mr. Dyke) June 26, 511; after short debate, Motion agreed to

[cont.]

Navy—Naval Cadets

Moved to resolve, That upon the consideration of the Returns which have been laid upon the Table of this House of "the regulations in force on board Her Majesty's ship *Britannia* in respect to the summer and winter routine and the course of study prescribed for naval cadets," also of "the examination papers issued for the examination of candidates for naval cadetships, and of naval cadets at the end of their first, second, third, and last term for the year 1873," it is the opinion of the House that an inquiry ought to be instituted as to the course of study prescribed for naval cadets, and as to the character of the post-terminal examinations, with the view of ascertaining whether the system has been found by experience to work satisfactorily in training up young officers to fit them in every respect for our naval service (*The Lord Chelmsford*) July 6, 1865; after short debate, Motion agreed to

NELSON, Earl

Education Department, 602
Intoxicating Liquors, Comm. cl. 5, Amendt. 1209
Public Worship Regulation, Report, cl. 7, Amendt. 142; cl. 8, Amendt. 143; Amendt. 146; cl. 11, Amendt. 147; cl. 12, Amendt. id.; 3R. 397

NEVILLE-GRENVILLE, Mr. R., Somersetshire, Mid

Endowed Schools Acts Amendment, 2R. 1685

NEWDEGATE, Mr. C. N., Warwickshire, N.

Endowed Schools Acts Amendment, 2R. 1656
Public Worship Regulation, 2R. 1441, 1476

New Mint Building Site Bill

(*Lord Henry Lennox, Mr. Chancellor of the Exchequer*)

c. Ordered; read 1st and referred to the Examiners of Petitions for Private Bills June 19 [Bill 162]

Moved, "That the Bill be now read 2nd" July 7, 1270

After short debate, Moved, "That the Debate be now adjourned" (*Mr. Anderson*); Question put; A. 17, N. 41; M. 24

Original Question put, and agreed to; Bill read 2nd, and committed to a Select Committee

NOEL, Mr. E., Dumfries, &c.

Church Patronage (Scotland), 2R. 1183
Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 11, 343
Navy—H.M.S. "Aboukir," 72

NOLAN, Captain J. P., Galway Co.

Army—Sergeants, Pay and Position of, 539
Expiring Laws Continuance, 1521
Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 10, 214; cl. 16, Amendt. 1003; add. cl. 1052
Ireland—Suck and Shannon, Drainage of, 300
Teachers, Return of Emoluments of, 1225 [cont.]

NOLAN, Captain J. P.—cont.

Navy—Haulbowline, Works at, 444
Parliament—Controverted Elections—English and Irish Judgments, 423
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Motion for a Committee, 928, 963

NORTH, Lieut-Colonel J. S., Oxfordshire

Army—Officers on Foreign Service, 871

NORTHCOTE, Right Hon. Sir S. H.

(*see* Chancellor of the Exchequer)

NORWOOD, Mr. C. M., Kingston-upon-Hull

Merchant Shipping Survey, 2R. 372, 373

O'BRIEN, Sir P., King's Co.

Customs—Promotion of Officers, 155
Excise—Whiskey, Adulteration of, 599
Gold Coast, Slavery on the, Res. 633
Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 11, 342
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Motion for a Committee, 965
States of the Plate—Argentine Republic and Brazil, 156

O'CLERY, Mr. K., Wexford Co.

Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. 763

O'CONOR, Mr. D. M., Sligo Co.

Contagious Diseases (Animals)—Report of Committee (1873), 598

O'CONOR DON, The, Roscommon Co.

Court of Judicature (Ireland), 2R. 1269
Intoxicating Liquors (Ireland) (No. 2), Comm. add. cl. 1010, 1014
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Motion for a Committee, 918
Valuation (Ireland) Act Amendment, 2R. 292

O'DONOGHUE, The, Trales

Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. Motion for Adjournment, 791; Motion for a Committee, 925, 928, 939, 940

O'GORMAN, Major P., Waterford

Church Patronage (Scotland), 2R. 1185
Intoxicating Liquors, Consid. cl. 27, 128
Ireland—Derry Celebrations—Costs of Colonel Hillier, 156

O'HAGAN, Lord

Civil Bill Courts (Ireland), 2R. 1340
Irish National Education—Schoolmasters and Schoolmistresses, Motion for a Return, 981

O'LEARY, Dr. W. H., *Drogheda*
Permissive Prohibitory Liquor, 2R. 55

O'LOGHLEN, Right Hon. Sir C. M.,
Clare Co.

Court of Judicature (Ireland), 2R. 1268
Intoxicating Liquors (Ireland) (No. 2), Comm.
cl. 12, 998
Parliamentary Relations (Great Britain and
Ireland)—Home Rule, Comm. Res. 791, 944
Poor Law Guardians (Ireland), 2R. 129

O'NEILL, Hon. E., *Antrim*
Chancery Courts (Ireland)—Accountant General's Office, 75

O'SHAUGHNESSY, Mr. R., *Limerick*
Shannon Navigation—Withdrawal of Bill, 674

O'SULLIVAN, Mr. W. H., *Limerick Co.*
Excise—Whiskey, Adulteration of, 598
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cl. 12, Amendt. 997, 1000, 1001; cl. 20,
Amendt. 1005

OXFORD, Bishop of
Public Worship Regulation, Report, add. cl.
149

PAGET, Mr. R. H., *Somersetshire, Mid.*
Intoxicating Liquors, Consid. cl. 13, 109;
cl. 27, 175, 179

PALK, Sir L., *Devonshire, E.*
Valuation of Property, Comm. cl. 3, 646

Parliament

Morning Sitings, Question, Mr. Monk; Answer, Mr. Disraeli June 19, 159

Public Business, Questions, Mr. W. E. Forster, Sir Wilfrid Lawson; Answers, Mr. Disraeli June 22, 228

Commencement of Public Business, Question, Sir Charles Russell; Answer, Mr. Gathorne Hardy June 25, 425

Public Business—Public Worship Regulation Bill, Ministerial Statement, Mr. Disraeli July 13, 1523

Parliament—Business of the House

Moved, "That, whenever the House shall meet at Two of the clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April 1869" (Mr. Disraeli) July 2, 873; after short debate, Motion agreed to

Parliament — Controverted Elections — Judges' Reports

County of Durham (Southern Division)
June 17, 1
Launceston, Petersfield, Boston June 23, 297
Borough of Stroud July 13, 1517

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Parliament — Controverted Elections — Judges' Reports—cont.

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Question, Mr. Charles Lewis; Answer, The Attorney General July 10, 1472

Stroud Election Petitions, Question, Mr. Monk; Answer, The Attorney General July 7, 1224

Parliament—Galway New Writ

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Galway, in the room of Francis Hugh O'Donnell, esquire, whose Election has been determined to be void" (Mr. O'Shaughnessy)

Certificate and Reports from the Judge selected for the Trial of Election Petitions pursuant to the Parliamentary Elections Act, 1868, relating to the Election for the Borough of Galway read (Mr. Conolly) June 19, 160

Amendt. to leave out from "That," and add "having regard to the decisions of the Judges appointed by this House to try the Election Petitions of the Town of Galway Election 1874 and County of Galway 1872, having regard also to the recommendation of the Royal Commission on the Town of Galway Election Petition 1857, having regard to the Joint Address of both Houses of Parliament which represented to Her Majesty in 1857 that corrupt practices have extensively prevailed at the last Election and at previous Elections for the said County of the Town of Galway, this House is of opinion that the said Town of Galway be henceforth disfranchised" (Mr. Conolly) v.; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to; main Question put, and agreed to

New Writ for Galway Borough, v. Francis Hugh O'Donnell, esquire, void Election

Parliament—Launceston New Writ

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Member to serve in this present Parliament for the borough of Launceston in the room of James Henry Deakin whose election has been determined to be void" (Mr. Dyke) June 20, 511; after short debate, Motion agreed to

Parliament—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod

Ordered, That all matters relating to the Library of the House, and to the papers and documents delivered for the use of the Peers, shall be considered within the jurisdiction of the Select Committee on the Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod (*The Chairman of Committees*) June 19

Parliament—Representative Peers of Scotland and Ireland

Order of the Day for resuming the Adjourned Debate on the Earl of Rosebery's Motion [12th June], "That a Select Committee be appointed to inquire into the present method of electing the Representative Peers for Scotland and Ireland, and to report whether any changes are desirable therein," read; debate resumed accordingly June 19, 1886

After short debate, Moved, "That a Select Committee be appointed to consider the state of the Representative Peerage in Scotland and Ireland and the laws relating thereto" (*The Duke of Richmond*); Motion agreed to; original Motion withdrawn; and a Select Committee appointed

And, on June 25, Committee nominated; List of the Committee, 141

PARLIAMENT—HOUSE OF COMMONS

New Writs Issued

June 19—*For Galway Borough, v. Francis Hugh O'Donnell, esquire, void Election*

June 26—*For Launceston, v. James Henry Deakin, esquire, void Election*

New Members Sworn

June 19—Mark John Stewart, esquire, *Wigton Burghs*

June 23—Charles Mark Palmer, esquire, *Durham County (Northern Division)*

June 25—Sir George Elliot, baronet, *Durham County (Northern Division)*

July 2—Michael Francis Ward, esquire, *Galway Borough*

July 9—James Henry Deakin, esquire, *Launceston*

Parliamentary Relations (Great Britain and Ireland)—Home Rule

Moved, "That the Orders of the Day be postponed till after the Notice of Motion relating to Parliamentary Relations (Great Britain and Ireland)" (*Mr. Disraeli*) June 30; Motion agreed to

Moved, "That this House will immediately resolve itself into a Committee to consider the present Parliamentary relations between Great Britain and Ireland" (*Mr. Butt*) June 30, 700

After long debate, Moved, "That the debate be now adjourned" (*The O'Donoghue*); Motion agreed to; debate adjourned

Debate resumed July 2, 874; after long debate, Question put; A. 61, N. 458; 397

Division List, Ayes and Noes, 966

Payment of Revising Barristers Bill—
See title

Revising Barristers (Payment) Bill

PEASE, Mr. J. W., *Durham, S.*

Intoxicating Liquors, *Consid. 81; cl. 4, 97; cl. 27, 117, 172*

Supply—Report—*Greenwich Hospital and School, 1488*

Valuation of Property, *Comm. cl. 3, 186, 643, 651, 654, 665*

PEEK, Sir H. W., *Surrey, Mid.*

Metropolis—*New Street between Gracechurch Street and Fenchurch Street, 1349*

PEEL, Mr. A. W., *Warwick Bo.*

Merchant Shipping Survey, 2R. 355

PELL, Mr. A., *Leicestershire, S.*

Agricultural Tenants, Security for Improvements by, *Res. 203*

Factories (Health of Women, &c.), *Comm. cl. 14, 333*

Local Taxation—Lunatics—Police, 873

Public Worship Regulation, 2R. 1459

Rabbits, 2R. 61

Sanitary Laws Amendment, *Comm. add. cl. 1499*

Valuation of Property, *Comm. cl. 3, 648, 651; cl. 4, 666, Amendt. 667; cl. 6, 668, 669; Amendt. id., Amendt. 670; add. cl. 673*

PEMBERTON, Mr. E. S., *Kent, E.*

Public Worship Regulation, 2R. Motion for Adjournment, 1440, 1441

Permissive Prohibitory Liquor Bill

(*Sir Wilfrid Lawson, Sir Thomas Basley, Mr. Downing, Mr. Richard, Mr. Dalway, Mr. Charles Cameron, Mr. William Johnston*)

c. Moved, "That the Bill be now read 2^d" June 17, 2 [Bill 9]

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Wheelhouse*); Question proposed, "That 'now,' &c.;" after long debate, Question put; A. 75, N. 301; M. 226

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months

Division List, A. and N., 58

Personation Bill

(*Mr. George Clive, Sir Charles Forster*)

c. Read 2^o June 17 [Bill 146]

Committee^o; Report June 24

Read 3^o June 25

d. Read 1^o (*Lord Aberdare*) June 26 (No. 136)

Bill read 2^o, after short debate July 9, 1340

Committee^o; Report July 14

Bishop of

o, *Comm. cl. 3, 1200*

Petty Sessions Courts (Ireland) Bill

(*Mr. O'Sullivan, Mr. French, Mr. Ronayne,
Captain Nolan, Mr. Power*)

c. Bill withdrawn * July 1 [Bill 87]

Pier and Harbour Orders Confirmation Bill [H.L.] (*The Lord Dunmore*)

l. Read 3^d * June 22 (No. 37)

c. Read 1^o * June 25 [Bill 169]

Read 2^o * June 29

Committee discharged * July 8

PIM, Captain Bedford, Gravesend

Mauritius, The—Magistracy, 699

PLAYFAIR, Right Hon. Mr. Lyon, Edinburgh and St. Andrew's Universities

Church Patronage (Scotland), 2R. 1151

Elementary Education (Compulsory Attendance), 2R. 843

Endowed Schools Acts Amendment, 2R. 1686

PLIMBOLL, Mr. S., Derby Bo.

Merchant Shipping Act—Unseaworthy Ships, 1221

Merchant Shipping Survey, 2R. 344, 381

PLUNKET, Hon. D. R., Dublin University

Court of Judicature (Ireland), 2R. 1269

Municipal Privileges (Ireland), Comm. 129

Poor Law Guardians (Ireland), 2R. Motion for Adjournment, 129

PLUNKETT, Hon. R. E., Gloucester, W.

Irish Judicial Bench—Appointment of Judges, Motion for an Address, 438

Valuation (Ireland) Act Amendment, 2R. 283

Police Force [Expenses] Bill

(*Mr. Raikes, Mr. Secretary Cross, Mr. William Henry Smith*)

c. Resolution [July 13] reported, and agreed to; Bill ordered * July 14.

Police Superannuation

Question, Mr. Bruce; Answer, Mr. Assheton Cross July 9, 1354

Poor Law Amendment (Removal) Bill
(*The Lord Hartismere*)

l. Presented; read 1^o * July 10 (No. 168)

Poor Law Guardians (Ireland) Bill

(*Sir Colman O'Loughlin, The O'Connor Don, Mr. Callan*)

c. Moved, "That the Bill be now read 2^o" June 18, 129

Moved, "That the Debate be now adjourned" (*Mr. Plunket*); Question put; A. 67, N. 39; M. 28; debate adjourned

Bill withdrawn * July 3 [Bill 95]

Poor Law—Pauper Children

Moved, "That there be laid before the House, Return of the number of orphan and deserted pauper children boarded-out on 1st of July 1874 in different Unions in England and Wales, distinguishing those boarded-out under the regulations of the Local Government Board from those placed out within the Union but not under those regulations; also the number on the same day of pauper children in each of the district schools at Anerley and Hanwell, showing in both cases the average cost per week of each child to the ratepayers; and also a statement showing the average cost per week of a pauper maintained in a workhouse in the Metropolis and also in the other Unions in England and Wales" (*The Earl De La Warr*); after short debate, Motion agreed to June 23, 289

PORTMAN, Viscount

Contagious Diseases (Animals) — Regulations for Great Britain and Ireland, 133

Cruelty to Animals Law Amendment, 2R. Amendt. 858

Glebe Lands Sale, 2R. Amendt. 1076

Wild Birds Law Amendment, Comm. 505

POST OFFICE

Halfpenny Book Post, Question, Mr. Welby; Answer, Lord John Manners June 25, 419

Mails to the North of Scotland, Question, Sir Tollemache Sinclair; Answer, Lord John Manners July 3, 995

Savings Bank Department, Question, Colonel Egerton Leigh; Answer, Lord John Manners June 19, 165

West India Mails, Question, Mr. David Jenkins; Answer, Lord John Manners June 30, 698

POWER, Mr. J. O'Connor, Mayo

Civil Bill (Ireland) Act—Stamp Duties, 1347

Factories (Health of Women, &c.), Comm. cl. 4, 319

Ireland—McCrea, Mr., Case of, 1347

Public-Houses in Dublin, 221

Ireland—Fenian Prisoners, Motion for Returns, 1609

Parliamentary Relations (Great Britain and Ireland)—Home Rule, Motion for a Committee, 938, 939, 940

POWER, Mr. R., Waterford

Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. 746

Powers Law Amendment Bill [H.L.]
(*The Lord Selborne*)

l. Bill read 2^a, after debate June 18, 68 (No. 89)

Committee *; Report June 22

Read 3^a * June 23

c. Read 1^o * June 26 [Bill 177]

Read 2^o * July 6

Committee *; Report July 14

Prayer Book (Rubrics) Bill [H.L.]

(*The Lord Bishop of London*)

l. Presented; read 1^o * June 19 (No. 122)

PRICE, Mr. W. E., *Twickenham*
Army—Indian Reliefs—36th Regiment, 424

Public Health Act, 1872

Sanitary Condition of Epping District, Question, Dr. Lush; Answer, Mr. Solater-Booth
June 22, 221

Small-Pox at Gloucester, Outbreak of, Question, Colonel Kingscote; Answer, Mr. Solater-Booth
July 6, 1082

Public Health (Ireland) Bill

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland*)

c. Committee *; Report June 19 [Bill 161]
Re-comm.: Report July 13, 1604

Public Health (Scotland) Supplemental Bill (*The Lord Steward*)

l. Read 2^o * June 19 (No. 106)
Committee *; Report June 22
Read 3^o * June 23

Public Worship Regulation Bill [H.L.]

(*The Archbishop of Canterbury*)

l. Report June 19, 141 (Nos. 96-123)
Bill read 3^a, after debate June 25, 390
c. Read 1^o * (*Mr. Russell Gurney*) June 26
Moved, "That the Bill be now read 2^o"
July 9, 1355 [Bill 176]
Amend. to leave out from "That," and add
"it is inexpedient to proceed further with a
measure for amending the administration of
the Law in regard to offences against the
Rubrics of the Book of Common Prayer
while that Law is in an uncertain condition"
(*Mr. Hall*) v.; Question proposed, "That
the words, &c.;" after debate, Moved,
"That the Debate be now adjourned" (*Mr.*
Childers); after further short debate, Question
put; A. 114, N. 275; M. 161
Original Question again proposed; Moved,
"That this House do now adjourn" (*Mr.*
Pemberton), 1440; after short debate, Question
put; A. 61, N. 304; M. 243
Original Question again proposed; Moved,
"That the Debate be now adjourned"
(*Colonel Makins*); after short debate, Question
put; A. 112, N. 188; M. 76
Original Question again proposed; Moved,
"That the Debate be now adjourned" (*Mr.*
Cawley); Motion agreed to; Debate ad-
journd
Question, Mr. Newdegate; Answer, The Chan-
cellor of the Exchequer July 10, 1476
Public Business, Ministerial Statement, Mr.
Disraeli July 13, 1623

Rabbits Bill

(*Mr. Pell, Sir Wyndham Anstruther, Mr. Walsh,*
Mr. Montgomerie)

c. Moved, "That the Bill be now read 2^o"
June 17, 61
Amend. to leave out "now," and add "upon
this day three months" (*Mr. McCombie*);
Question proposed, "That 'now,' &c.;"
after short debate, Debate adjourned
Bill withdrawn * June 18 [Bill 100]

RAIKES, Mr. H. O. (Chairman of Com-
mittees of Ways and Means),
Chester

Supply—Salaries of Colonial Governors, 474
Valuation of Property, Comm. cl. 3, 186, 641

RAMSAY, Mr. J., *Falkirk, &c.*

Church Rates Abolition (Scotland), 2R. 1302
Factories (Health of Women, &c.), Comm. cl. 13,
Amend. 329; cl. 14, 332

RATHBONE, Mr. W., *Liverpool*

Land Titles and Transfer, 2R. 1260

Rating Bill—Formerly

Valuation of Property Bill

(*Mr. Solater-Booth, Mr. Clare Read*)

c. Committee * June 19, 180 [Bill 98]
Moved, "That the Chairman do report Pro-
gress" (*Mr. Henley*); Question put, and
agreed to—Committee R.P.
Committee; Report June 29, 641 [Bill 180]
Considered * July 3
Read 3^o * July 6
l. Read 1^o * (*The Lord President*) July 7 (No. 158)

RAVENSWORTH, Earl of

Alkali Act (1863) Amendment, 2R. 389;
Comm. add. cl. 863, 866

READ, Mr. Clare S., *Norfolk, &c.*

Valuation of Property, Comm. cl. 3, 655, 664

Real Property Limitation Bill [H.L.]

(*Mr. Attorney General*)

c. Read 2^o * July 7 [Bill 138]

Real Property Vendors and Purchasers Bill—Formerly

Vendors and Purchasers of Land Bill [H.L.]

c. Read 2^o * July 7 [Bill 137]

REDESDALE, Lord (Chairman of Com-
mittees)

Leonard Edmunds, Esquire—Petition, 1511,
1512, 1514
Supreme Court of Judicature Act (1873)
Amendment, Report, 217; 3R. 414, 415
Working Men's Dwellings, 2R. 985

REDMOND, Mr. W. A., *Wexford*

Fines Fund (Ireland), 1325
Intoxicating Liquors (Ireland) (No. 2). Comm.
add. cl. 1906, 1912

REED, Mr. E. J., *Pembroke, &c.*

Merchant Shipping Survey, 2R. 369, 373
Merchant Shipping Survey—An Unseaworthy
Ship, 1061
Navy—H.M.S. "Narcissus" and "Endymion,"
1475
Supply—Report—Greenwich Hospital and
School, 1439

REID, Mr. R., *Kirkcaldy, &c.*

China—Woosung Bar, Shanghai, State of, 873

Revenue Officers Disabilities Bill

(*The Lord President*)

1. Read 2^a * June 18 (No. 94)
Committee *; Report June 19
Read 3^a * June 22

Revising Barristers (Payment) Bill

Formerly—

Payment of Revising Barristers Bill

(*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

- a. Read 2^a * July 2 [Bill 127]
Committee *; Report July 9
Considered * July 10
Read 3^a * July 13
1. Read 1^a * (*The Lord President*) July 14 (No. 175)

RICHARD, Mr. H., *Merthyr Tydvil*
Welsh County Court Judges, 535

RICHMOND, Duke of (Lord President of the Council)

- Alkali Act (1863) Amendment, Comm. add. cl. 865, 866
Contagious Diseases of Animals—Regulations for Great Britain and Ireland, 134
Cruelty to Animals Law Amendment, 2R. 859
Education Department, 602
Education—Effect of School Life on the Sight, 869, 870
Factories (Health of Women, &c.), Comm. cl. 10, 1618; cl. 12, 1620
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